

THE CITY RECORD.



OFFICIAL JOURNAL OF THE CITY OF NEW YORK.

There shall be published daily, Sundays and legal holidays excepted, under a contract to be made as hereinafter provided, a paper to be known as the **CITY RECORD**. And said **CITY RECORD**, and the newspapers now by law designated as corporation newspapers in the present City of Brooklyn, shall be the only papers to be included within the term corporation newspapers, as the same is used anywhere in this act; There shall be inserted in said **CITY RECORD** nothing aside from such official matters as are expressly authorized. . . . All advertising required to be done for the City, except as in this act otherwise specially provided, and all notices required by law or ordinance to be published in corporation papers, shall be inserted at the public expense only in the **CITY RECORD**, and the publication therein shall be a sufficient compliance with any law or ordinance requiring publication of such matters or notices. . . . The Comptroller shall cause a continuous series of the **CITY RECORD** to be bound as completed, quarterly, and to be deposited with his certificate thereon in the office of the Register of Deeds of the County of New York, in the County Clerk's office of said County, and in the office of the City Clerk, and copies of the contents of any of the same, certified by such Register, County Clerk or City Clerk, shall be received in judicial proceedings as prima facie evidence of the truth of the contents thereof.—§ 1526, *Greater New York Charter*.

XATS

AUGUST, 1917.

VOL. XLV.

PART VIII.

BOARD OF CITY RECORD:

JOHN PURROY MITCHEL, Mayor.

LAMAR HARDY, Corporation Counsel.

WILLIAM A. PRENDERGAST, Comptroller.

JOSEPH N. QUAIL, Supervisor.

M. B. BROWN PRINTING & BINDING CO.,
37-41 CHAMBERS STREET,
NEW YORK.

a payment of \$26 for 104 feet of conduit at 25 cents per linear foot, makes a total compensation for the year of \$357.70.

As the report complies in all respects with the contract, I would suggest that it be accepted and filed. Respectfully,

HARRY P. NICHOLS, Engineer, Chief of Bureau.

Which was ordered filed.

Conron Bros. Company (Cal. No. 93).

Annual report of Conron Bros. Company for the year ending December 31, 1916, under and pursuant to contract dated April 24, 1916, granting said Company a franchise to distribute refrigeration in Fort Greene Place, Borough of Brooklyn.

This report was presented to the Board at the meeting of February 23, 1917 (Cal. No. 65), and was referred to the Bureau of Franchises.

The Secretary presented the following:

Bureau of Franchises, July 5, 1917.

Hon. JOHN PURROY MITCHEL, Mayor, Chairman of the Board of Estimate and Apportionment:

Sir—The annual report of Conron Bros. Company for the year ending December 31, 1916, required to be filed with the Board under its franchise contract dated April 24, 1916, granting it the right to distribute refrigeration in Fort Greene Place, Borough of Brooklyn, was presented at the meeting of February 23, 1917, and referred to this Bureau. This is the first annual report filed under this contract. This Company, however, has been operating under a franchise in the Borough of Manhattan for six years past.

The Company reports its capital stock as \$500,000, all of which is paid in; that it has no funded debt; that its floating debt is \$417,249.09, an increase of \$108,454.76; that it has paid no dividends during the year, and that the amount of conduits now laid is 331 feet, the total amount expended for which was \$150.

The plant of the Company consists of one 100-ton machine and two 50-ton reserve machines, the total amount expended for which was \$20,000. During the year the Company produced 21,210.03 tons of refrigeration, of which 3,600 tons were used in the Company's own warehouse located at 189 Fort Greene Place; the remaining 17,610.03 tons were furnished to outside consumers, the number of which is twelve. The total expenses of the Company for the year, including salaries, amounted to \$27,831.90.

An examination of the books of the Finance Department shows that the gross receipts for the thirteen months ending December 31, 1916, were \$18,899.67, on which the Company paid \$372, being two per cent. thereof, required by the contract. In addition, there was a payment of \$82.75, representing twenty-five cents per linear foot of conduit laid; the total payment amounting to \$460.75, which was made on February 27, 1917.

The Company's report complies with the requirements of Section 2, Eighteenth, of the contract, and I would therefore suggest that it be accepted and filed.

Respectfully, HARRY P. NICHOLS, Engineer, Chief of Bureau.

Which was ordered filed.

Kings County Refrigerating Company (Cal. No. 94).

Annual report of the Kings County Refrigerating Company for the year ending December 31, 1916, under and pursuant to contract dated December 4, 1914, granting said Company a franchise to distribute refrigeration in Wallabout Market and streets immediately adjacent thereto, Borough of Brooklyn.

The Secretary presented the following:

Bureau of Franchises, July 9, 1917.

Hon. JOHN PURROY MITCHEL, Mayor, Chairman of the Board of Estimate and Apportionment:

Sir—The Kings County Refrigerating Company, under date of March 8, 1917, submitted its annual report for the year ending December 31, 1916, pursuant to the franchise contract dated December 4, 1914.

The Company now has constructed within the streets 4,435 feet of conduit, an increase of 118 feet over that reported for 1915. The cost of this conduit is given as \$32,141.25, which is \$9,248.75 less than the amount reported in 1915 as having been expended for the conduit.

An examination of the books of the Finance Department shows that the Company has paid on this contract, at the rate of ten cents per linear foot, the sum of \$423.96. Some of this conduit (469 feet) had only been laid seven months of the year and the payment therefor was for such portion of the year. In addition, the Company paid \$500, said sum being the minimum amount fixed under the clause requiring two per cent. of the gross receipts to be paid to the City. The payment for manholes amounted to \$70.67, making a total payment to the City of \$994.63.

The Company reports its capital stock as \$300,000, all paid in; amount of funded and floating debt \$240,761.23, an increase of \$38,909.23 for the year; dividends paid during the year amounted to \$10,000. The plant consists of three absorption machines having a combined capacity of 435 tons daily. During the year 40,000 tons of refrigeration were produced, of which 22,000 tons were used in the Company's own warehouse at Nos. 24-38 Hall Street, the remaining 18,000 being supplied to forty outside consumers at the rate of seven and one-half cents per year per cubic foot of space refrigerated. The total expenses of operating the pipe line, including salaries, is reported as \$15,448.70.

As the report complies with the requirements of the contract, it is suggested that the same be filed. Respectfully,

HARRY P. NICHOLS, Engineer, Chief of Bureau.

Which was ordered filed.

Bureau of Records and Minutes.

Approved Papers—On Changes in the City Map (Cal. No. 95).

The following report of the Secretary was ordered printed in the Minutes and filed:

July 16, 1917.

To the Board of Estimate and Apportionment:

Gentlemen—I beg to inform you that on July 10, 1917, his Honor the Mayor approved the resolutions adopted by the Board of Estimate and Apportionment on June 29, 1917, changing the map or plan of The City of New York by

552—Changing the lines and grades of West 138th Street and Riverside Drive at and near their southeasterly intersection, including the closing and discontinuing of that portion of West 138th Street which, immediately prior to July 30, 1914, was comprised within the lines of Riverside Drive, Borough of Manhattan.

553—Changing the grades of West 173rd Street between Haven Avenue and Fort Washington Avenue, and of West 172nd Street between Haven Avenue and a line about 85 feet east of Fort Washington Avenue, Borough of Manhattan.

554—Closing and discontinuing Exterior Street between East 118th Street and East 119th Street, Borough of Manhattan.

555—Closing and discontinuing those portions of Powell Street between the easterly line of East 107th Street and the southerly line of Avenue D, and between the northerly line of Avenue D and the boundary of the right-of-way of the Manhattan Beach Division of the Long Island Railroad which fall outside of the lines of streets now incorporated upon the City Plan, Borough of Brooklyn.

556—Closing and discontinuing East 162nd Street from Sheridan Avenue to Sherman Avenue, Borough of The Bronx.

557—Establishing lines and grades for Hollis Avenue (Farmers Avenue, Old Country Road) from Jamaica Avenue (Fulton Street) to 190th Street; by changing the grade of Hollis (Farmers) Avenue from 190th Street to 99th (Atlantic) Avenue, and by changing the lines and grades of 190th Street (Seminole Avenue) from Holliswood (Woodhull) Avenue to Hollis Avenue (Old Country Road), Borough of Queens.

558—Changing the lines and grades of the street system within the territory bounded approximately by Lefferts Avenue, Hillside Avenue, Metropolitan Avenue, Jamaica Avenue, Roseville Avenue, Archer Street, Sutphin Road, Carll Street, Netcong Avenue, Englewood Street, Van Wyck Avenue and Jamaica Avenue; and by establishing lines and grades for Jamaica Avenue between Roseville Avenue and Cliffside Avenue, Borough of Queens.

559—Changing the grade of the street system within the territory bounded by Lafayette Street, Edsall Avenue, Olmsted Place, Central Avenue, Edison Place, Myrtle Avenue, Tesla Place, Indiana Place, Tompkins Place and Central Avenue, Borough of Queens.

560—Changing the grades of the street system within the territory bounded ap-

proximately by Queens Boulevard, Van Loon Place, Grand Street, Seabury Street, Homans Avenue, Main Line of the Long Island Railroad, Grand Street and Van Kleeck Place, Borough of Queens. Respectfully, JOSEPH HAAG, Secretary.

From City, Borough and County Officials..

Department of Water Supply, Gas and Electricity—Request from City of Newburgh for Supply of Water from Catskill Aqueduct (Cal. No. 96).

(On June 22, 1917 (Cal. No. 178), this matter was referred to the Commissioner of Water Supply, Gas and Electricity for report.)

The Secretary presented a communication dated June 19, 1917, from the Hon. Jonathan D. Wilson, Mayor of Newburgh, relative to obtaining from the City's conduit leading from the Ashokan dam a sufficient quantity of water at whatever rate the Board might consider fair; and the following report of the Commissioner of Water Supply, Gas and Electricity relative thereto:

July 9, 1917.

JOSEPH HAAG, Esq., Secretary, Board of Estimate and Apportionment, Municipal Building, New York City:

Dear Sir—I reply herewith to your letter of June 22 forwarding for comment a letter from Honorable Jonathan D. Wilson, Mayor of Newburgh, dated June 19, in which he states that under certain conditions of necessity the said city may desire to take from three to five million gallons of water from our Catskill reservoir. This is not a large amount. (Note that this is not a per diem amount, but the total quantity desired.) On the other hand, the Department in allowing Newburgh or any other city not entitled by law to do so to take water from our aqueduct may establish a precedent which may prove embarrassing in the future. Still, if a situation ever arises in which Newburgh must have this small amount of water from our aqueduct or be exposed to danger from fire or insanitary conditions, then in such a case it would be inadvisable for The City of New York to decline to meet its request.

We have just placed ourselves in telephonic communication with the authorities in Newburgh and learn that at the present moment their need is not urgent but that it may become so. If such need does become urgent, quick action will be necessary by this Department if it is to accomplish any good. I have to suggest that you authorize this Department, in the event of an emergency, established to the satisfaction of the Commissioner, to allow the City of Newburgh to take not to exceed a total of five million gallons of water from the Catskill reservoir, paying therefor at the rate of ten cents per 100 cubic feet. Respectfully,

WILLIAM WILLIAMS, Commissioner.

The following resolution was offered:

Resolved, That the Board of Estimate and Apportionment hereby authorizes the Commissioner of Water Supply, Gas and Electricity, in the event of an emergency, established to the satisfaction of the said Commissioner, to permit the City of Newburgh, New York, to purchase at the rate of ten cents (\$.10) per 100 cubic feet, an amount not to exceed a total of five million (5,000,000) gallons of water from the Catskill Reservoir.

Which was adopted by the following vote:

Affirmative—The Acting Mayor, the Comptroller, the Acting President of the Board of Aldermen, the Presidents of the Boroughs of Manhattan, Brooklyn and The Bronx, and the Acting Presidents of the Boroughs of Queens and Richmond—16.

West 60th, West 61st, West 62d and West 63d Streets and Columbus Avenue, Bounded Generally by Amsterdam Avenue and Broadway, Borough of Manhattan—Proposed Amendment of Use District Map, Section No. 8 (Cal. No. 97).

(On June 22, 1917 (Cal. No. 15), a hearing on a petition for the amendment of Use District Map, Section 8, Manhattan, so as to include within an unrestricted district the areas fronting on West 60th, 61st, 62d and 63d streets, between Columbus and Amsterdam avenues, Manhattan, was continued for one week, and the Corporation Counsel was requested to advise the Board meanwhile whether the north side of 63d street, between Columbus and Amsterdam avenues, is restricted by deed against business and garage uses, and if so whether such restriction would be weakened by the proposed amendment.)

(On June 29, 1917 (Cal. No. 19), the Board adopted a resolution approving this amendment.)

The Secretary presented the following opinion of the Acting Corporation Counsel, which was ordered printed in the Minutes and filed:

Law Department, Office of the Corporation Counsel, July 5, 1917.

Board of Estimate and Apportionment of The City of New York:

Sirs—I have received a communication from the Assistant Secretary of your Board, under date of June 22, 1917, requesting advice as to whether the north side of 63d Street, between Columbus and Amsterdam Avenues, is restricted by the clause contained in deeds executed by Clarence S. Brown to various purchasers in the year 1869, as shown by the copy of said clause transmitted with said communication, and if so, whether such restrictions would be weakened by a proposed amendment of the Use District Map, Section No. 8, Borough of Manhattan, of the Zoning Resolution, so as to include said area within an unrestricted district.

The restrictive clause shown by the copy above mentioned reads as follows:

"That neither he the said party of the second part nor his heirs or assigns shall or will at any time hereafter erect or cause, permit or suffer to be erected upon the said premises hereby conveyed any building within forty feet of the front thereof, other than a building of brick, stone or metal material with roofs of slate or metal, or at any time hereafter erect suffer or permit upon the said premises hereby conveyed or on any part thereof any slaughter house, smith shop, forge, furnace, steam engine, brass, laundry, nail or other iron factory, nor any manufactory of gun powder, glue, varnish, vitriol, ink or turpentine, nor any building for the tanning, dressing or preparing skins, hides or leather, or any brewery, distillery, coal yard, meat shop, tallow chandlery, glass or petroleum manufactory, cooper's, carpenter's or cabinet maker's shop, nor any establishment for keeping skins, sugar refinery, bakery, drinking or lager beer establishment, circus, menagerie, public show or exhibition of animals, railroad depot, railroad stable, car, engine or tenement house nor any stable other than a private stable, nor any noxious, dangerous trade or business whatsoever, nor any building which shall contain an alley or entrance running through it for ingress or egress to any building in the rear thereof. And it is understood and agreed between the parties hereto that this covenant shall run with the land."

There is no express, general restriction in this clause against business use. The restriction is against the specific uses mentioned, or any other of the same kind which are noxious or dangerous.

While my own view is that a public garage is within the meaning of the restrictive clause, a Justice of the Supreme Court, in the County of Kings, recently when writing respecting statutory restrictions very similar to those in hand, in the course of an opinion, used language which is susceptible of a different construction. That case, however, may be distinguished upon the peculiar facts there involved. But even if the restrictions might be held to extend to a public garage, such a determination need not stand in the way of the proposed amendment which purports only to relieve the area in question from the restriction of a public regulation. An existing private right will not be affected by the amendment alone. Respectfully yours,

LOUIS H. HAHLO, Acting Corporation Counsel.

Seneca Avenue, from the Borough Line to DeKalb Avenue, and from Summerfield Street to St. Felix Avenue, Borough of Queens—Acquiring Title (Cal. No. 98).

(On April 27, 1917 (Cal. No. 149), the matter was laid over until May 4, 1917).

(On May 4, 1917 (Cal. No. 117), this matter appeared on the Calendar, but no action was taken thereon.)

(On May 11, 1917 (Cal. No. 225), the report of the Chief Engineer, recommending amendment of the proceeding for acquiring title to Seneca Avenue, etc., in so far as it related to the sections from the Borough line to Willoughby Avenue, and from Summerfield Street to St. Felix Avenue, so that the cost and expenses of the proceeding be placed upon the Borough of Queens, pursuant to section 247 of the Charter, was referred to the Committee of the Whole, and the Corporation Counsel requested to advise the Board relative to the legality of placing upon the Borough of Queens the expense incurred in connection with the portion of the street proposed to be excluded from the proceeding.)