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PRESIDENT'S ADDRESS, 2156 FULTON ST.  
SECRETARY'S ADDRESS, 2017 FULTON ST.

## Ocean Hill Board of Trade

MEETS FIRST TUESDAY EVENING OF  
EACH MONTH AT  
WAVERLY BICYCLE CLUB BUILDING  
FULTON STREET AND HIGHLAND BOULEVARD

EXECUTIVE COMMITTEE MEETS AT SAME PLACE 3d TUESDAYS OF EACH MONTH

COMMITTEES	CHAIRMEN
Executive . . .	WILLIAM C. GRIEVES
Educational . . .	WEBSTER R. CRAW
Streets and Parks, . . .	SAMUEL COCROFT
Transit . . .	WILLIAM T. BUTLER
Legislation, Hon. HENRY J. FURLONG	
Lighting . . .	GEORGE BOCK
Health . . .	DR. FRANCIS J. VOSE
Bridges and Tunnels, . . .	P. F. LYNCH
Press . . .	HENRY A. MCCARTHY
Membership . . .	STEPHEN K. MADDEN

51105

Brooklyn, N. Y. May. 5th. 1903

Hon. Seth Low,

Mayor Greater New York.

Dear Sir,

At a meeting of the Ocean Hill Board of Trade held on the above date it was unanimously resolved to petition you most earnestly to approve the Atlantic Avenue improvement bill. Our Board takes in parts of the 24th. and 25th. Wards on both sides of Atlantic Avenue and among our membership we have owners of property facing the Avenue as well as Tax Payers at a distance, and without a dissenting voice we favor this bill for many reasons, among others, the fact that the valuation of Real Estate in our Borough would be very materially increased within twelve months from the time of such improvement. The City would be reimbursed for their part of the outlay <sup>by the increase in valuations long</sup> before it would be possible to have this work done under the charter.

If this step of advancement for which the good people of our City and Borough have worked and prayed for the past forty years should be accomplished during this Administration, this Borough will vibrate with a feeling of satisfaction which will be remembered for years to come.

Very respectfully

Ocean Hill Board of Trade  
by Harveleanby  
Seth

In the matter of the :  
 hearing before the Mayor :  
 of the City of New York, :  
 on an Act to amend an Act : Brief in the Affirmative.  
 entitled, "An Act to reg-:  
 ulate and improve Atlantic:  
 Avenue, etc. in the : :  
 Borough of Brooklyn, New :  
 York City. :

This is an amendment to Chapter 499, Laws of 1897, which original law provided for removing the steam railroad (operated by the Long Island Railroad Company) from the surface of Atlantic Avenue by depressing and elevating said railroad for a distance of five miles.

This work is now being done under the direction of the "Board for the Atlantic Avenue Improvement." One-third of the work is completed. The undertaking is so large, however, that it cannot be completed in less than two years from now.

About one and one-half miles of the Avenue has been paved. The rest of this otherwise grand avenue is unpaved, and is in a most wretched condition. The bill before your Honor provides for paving this Avenue completely; no street in the City being in greater need of such improvement.

The bill provides that "The Board for the Atlantic Avenue Improvement" shall provide <sup>plan</sup> ~~a place~~ for said improvement to be approved by the Mayor and the Borough President. Upon such approval the City Authorities will let contracts for the work, etc. The reason for such participation by the "Board" lies in the fact that the Avenue is in possession of said "Board." Contracts are under way. Meanwhile the Long Island



Railroad is operating its trains under the provisions of Law. No one can enter upon the Avenue, except by consent of the Board (subject to rights of Contractors and the operating Railroad) for any purpose. Even now, sewers, water mains, etc., have to be changed by the City Authorities through the cooperation of the Board. So far these needs have been amicably met and facilitated. Under the Bill before your Honor it will be entirely practical to have the work begun in a short time and finished almost coincident with the completion of the change of grade, thus delivering to the people of the City a splendid Avenue completely paved from beginning to end, free from a steam surface railroad; in fact realizing, after a period of forty years of patient waiting, the ideal intentions of those who originally laid out this thoroughfare from the shores of the Harbor straight east to the Kings County Line.

The bill before your Honor was most carefully drawn originally by the Hon. Judge Almet F. Jenks, and afterwards revised by Former Corporation Counsel Joseph A. Burr. It has had the widest publicity through the Press of Brooklyn, has been submitted to and endorsed by not less than eight civic organizations, boards of trade and business men's associations. The Bill is of the character that may be classed as "righteous legislation". There has been no opposition to the measure from anyone who has fully understood its provisions.

The chief points in favor of the Bill are as follows: The Charter provides for street improvements of two sorts. First. Where it is an original pavement on a street not here-

tofore paved, in which case the entire expense is assessed on the property owners thus benefitted. Second. Repaving streets which have been previously paved at the expense of the abutting property, in which case the entire cost is paid ~~by~~ the City at large from a ~~sinking~~ fund provided for that purpose. The street proposed to be paved has been subjected to many different kinds of improvement in different portions of it. Every part of the street has been graded and curbed at the expense of the adjacent property, but this cannot be construed to be a previous pavement in the sense that the City should repave it without expense to the property owners. In portions it has been paved with granite at the expense of the abutting property; in other portions at the expense of the City of Brooklyn at large from funds provided for repaving thoroughfares. In very large portions there has been no pavement other than the original grading improvement.

It would, therefore, be impossible to carry on the improvement as a whole under either of the usual ways and to divide it under the two methods would mean a series of disjointed improvements because the state of affairs as to previous improvements would divide the length of the street into many different sections and treatments.

The provision of assessing the Railroad Company could not be carried out except under an Act of the Legislature, there being no authority in the Charter that could cover such a case.

The ~~standing~~ funds applicable for repavement at the



City's expense, are not large enough to allow the cost of so great a single job being paid from them, without seriously crippling the ability of the City to make needed improvements in other sections of the City.

The work should be cooperated in by the Board for the Atlantic Avenue Improvement because the Board, now having charge of the pending work, will be in possession of the street for the next two years, and is in a position to facilitate the further work of paving the street by arranging for the leaving of the work by the present contractors in the best possible condition for the proposed paving. The Board is in possession of engineering data, surveys, etc. that would effect a saving in cost of over \$~~150~~<sup>50</sup>,000.00.

It is in a position to arrange siding and train facilities by which paving contractors could receive materials and dispose of surplus excavations at low rates.

The work could follow promptly after the work of the other contractors without producing any interference that would be detrimental to the citizens, or involve the City in controversies and possible claims for damages, at the same time giving the completed street for the use of the public within six months after the present work is finished.

Contracts let by the City Departments during the work of the present improvement, with the cooperation of the Board, would prevent controversies and clashes from arising constantly, unless the work of paving the street were delayed

your Honor, is the real Bill passed by the Legislature (doubt of which was expressed at the recent hearing) and if, the exemption from further payments by abutting property owners of heretofore assessed, and paid for, pavements, shall prove to be of doubtful legality by accepting the Bill in its present form, a year's time will be gained in progressing this great work, and if need be, an amendment could readily be had in the next Legislature, and this before any assessment would be laid for new work.

It would be a real misfortune to lose now--the result of such constant effort for remedial legislation, upon a slight technicality.

All of which is most respectfully submitted.

*Dated May 5, 1905.*

*Field & Chittenden*

Attorneys for Citizen's Committee.



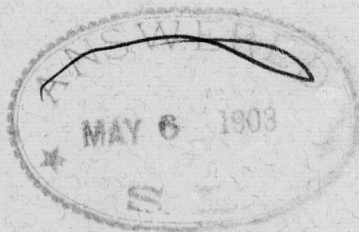
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In the matter of the hearing  
before the Mayor of the City  
of New York, on an Act to  
Amend and Act entitled, "An  
Act to regulate and improve  
Atlantic Avenue, etc. in the  
Borough of Brooklyn, New York  
City.

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BRIEF IN THE AFFIRMATIVE.  
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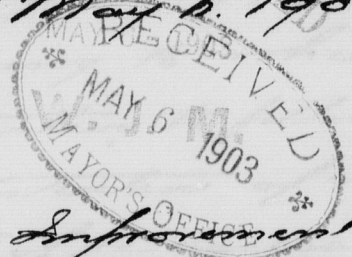
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FIELD & CHITTENDEN,  
FRANK HARVEY FIELD,  
TEMPLE BAR, 44 COURT STREET,  
BROOKLYN, CITY OF NEW YORK.



1075 Dean Street  
Brooklyn NY May 6, 1903

Hon Seth Low  
Mayor



Sir:

Atlantic Avenue Improvement

Referring to your oral statement, at hearing given yesterday, in re Legislative Bill enlarging powers of Commissioners & defining area & method of assessment for proposed paving & improvement from Flatbush Avenue Eastwardly, I beg to submit following for your consideration, before approval of Bill now in your hands.

1<sup>st</sup> That, referring to Comptroller's Constitutional point, as to improvement of strip in Centre of Avenue, I would suggest your taking the Corporation Councils' advice as to what was ceded to the City of Brooklyn on South side of Atlantic Avenue between Governor Lane and Madison Avenue, as per Section 2, Chap 220, Laws of 1853, pp 425.

In this same connection, I would also suggest, that this Law Officer examine into title East of above mentioned point, which, I recall, was realigned under a previous improvement, under which some of the owners lost their property. & which improvement grew out of the abandonment of use of Steam

(Non Selt Lorr, Mayor 2)

on Atlantic Avenue under Sec 6, Chap 444, Laws of 1859, Chap 484, Laws of 1859, and Chap 100, Laws of 1860, referring to which, I would particularly call attention to following sections of Chap 484, in substantiation of my oral statements, as to injustice of re-assessing the property levied upon under Laws of 1859, part of which it is proposed to again levy upon under Act now under consideration to wit:

Section 2. Appointment of Commissioners and their  
Successors (showing intent of perpetuation)

Section 3 - Location of Depot between 5<sup>th</sup> Ave & South  
and 5<sup>th</sup> Ferry (now mainly East thereof) The  
amount of Compensation for removal  
of Steam \$130,000 (which at interest  
would now amount to more than \$1,500,000 -)  
fixing District of Apportionment for collection viz  
Both sides Atlantic Avenue from the  
East River to the (then) City Line (E.N.V.)  
and on both sides of Pacific & Dean Streets  
between City Line and Smith Street and  
on land fronting on Streets crossing Atlantic  
Avenue within above limits

Section 4. The right to regulate fares within City  
limits, but not to exceed, but shall be the  
same as charged by the City R.R.

Section 9 Mandatory duties of Commissioners



(Hon Seth Low, Mayor 3)

See 9 (continued) to enforce Contract made under  
the Act, (Chap 434), which were further  
defined, under Sec 2 Chap 100 Laws  
of 1860. (which if enforced  
would not have required present  
proposed legislation)

I recall that, when tracks were, some years ago,  
attempted to be <sup>lifted and</sup> placed on an Elevated Railroad.  
the Courts decided against the L. I. R. R. Co.

Now, it is, by previous and present proposed  
legislation, intended to give this same Railroad  
a double franchise (on surface by trolley and  
the part tunnel part Elevated of so called improve-  
ment, without the City's obtaining any benefit  
in way of compensation. Is this just if law?

As from present progress, there seems to  
be little need of haste in deciding the question  
of paving. the Commission having failed to  
complete the block of Tunnel work between  
Bedford & Franklin Avenues begun more than a  
year ago. I would respectfully urge your  
Honor to, either veto the proposed Law now  
in your hands, or else favor remedial  
legislation, placing cost of so much as is not  
borne by the Railroad, on the City at large.

Respectfully yours  
J. C. Carter



file

26 Court Street,  
Brooklyn, N.Y.

Hon. Seth Low,  
Borough Hall,  
New York.

Sir:-

Upon investigation we find that the bill relating to Atlantic Avenue now in your hands was duly passed by the legislature, and is the bill which must be approved or rejected by your Honor. We believe the bill should be approved in its present form, and this is the sentiment I am sure of the eight commercial and business organizations which I represent.

Yours truly,  
Charles B. Law



TELEPHONE, 2693 JOHN.

MORRIS WASHINGTON HART,  
LAWYER,

132 NASSAU STREET.

ROOMS 801-803.

*file* NEW YORK, May 7, 1903.

Hon. Seth Low,  
Mayor of the City of N. Y.

Dear Sir:-

I notice in the press that during the argument on the Atlantic Ave. Improvement Bill, it was discovered that the promised amendment of the bill had not been made, and I deem it my duty to state that on last Saturday morning, I met Mr. Law at the Corporation Counsel's office in Brooklyn, and he informed me in answer to my question, that the bill had not been amended. I regret, therefore, that I was not present during his argument.

I don't think that you will permit Borough President Swanstrom to influence you to sign the bill in its present form, simply because he and the Commissioners promise to have it amended by the next Legislature.

The Eagle of yesterday stated that he intended to confer with you in this regard.

TELEPHONE, 2698 JOHN.

MORRIS WASHINGTON HART.  
LAWYER.

132 NASSAU STREET.

ROOMS 801-803.

NEW YORK, May 7, 1903

No.-2-

Permit me to add, that local Boards of  
Trade, do not always represent the interests  
of property owners.

Yours respectfully,

Morris W. Hart.



THE LONG ISLAND RAILROAD COMPANY.  
THE NEW YORK AND ROCKAWAY BEACH RAILWAY COMPANY.  
THE MONTAUK STEAMBOAT COMPANY, LIMITED.

OFFICE OF THE PRESIDENT.

W. H. BALDWIN, JR.,  
PRESIDENT.

128 BROADWAY, NEW YORK, N. Y. May 7th., 1903.

Hon. Seth Low,

Mayor.

Dear Sir:

Referring to the Act to amend the so called Atlantic Avenue Improvement Act of 1897 so as to put the grading and paving of the avenue under the supervision of the present Board, which legislation is now before you for acceptance in behalf of the City and concerning which you ask my views as President of the Long Island Railroad Company, I beg to state for your information:

The Long Island Railroad Company has never been consulted as to its views on this measure until your message of yesterday. The Act was prepared without notice to us and we are not responsible in any way for its provisions. We are advised by our Counsel that there are grave questions as to the Constitutionality of the proposed amendment. On its merits, I think that Atlantic Avenue should be improved, graded and paved as soon as the work now in progress is completed. The Railroad Company owns and leases a great deal of real estate in and along the Avenue, between Flatbush Avenue and the old City line of Brooklyn.

The plans for the improvement now in progress call for the construction by the Long Island Railroad Company of a surface<sup>electric</sup> road on the railroad strip in the centre after steam is removed from the surface, at our sole expense. The question of paving the Avenue and paving the railroad strip in the centre of the Avenue and the adjustment of the expense, is a matter requiring careful consideration, and we think consultation between the City authorities and the Railroad Company. My own idea was that the paving, etc., should be taken up

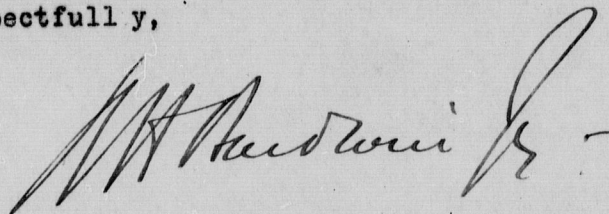
after the present improvement was completed. When the subject was referred to informally a year ago, I wrote the Board for the Atlantic Avenue Improvement

that I thought it was a matter within the jurisdiction of the City and Borough authorities, rather than the Board. I do not want to be recorded as

opposing the improvement, but I think the summary method of assessment provided in the Act is not only unusual, but I am inclined to think it is illegal. You will notice that the Act imposes an assessment of one-quarter of an estimated outlay of \$750,000. on the property "of the Atlantic Avenue Railroad Company of Brooklyn or its lessee the Long Island Railroad Company x x x lying about or along or adjacent to the line of such improvement", and a similar amount is assessed "upon all other property lying within two hundred feet from each side of that Avenue". There is no provision for hearing, and the whole measure seems very crude and indefinite. If the assessment sought to be imposed by the Act is illegal and unenforceable, it would appear to be better that the matter should be postponed and a more carefully considered measure prepared.

I may add that the plans of the Railroad Company ( which have been fully discussed before the Board and in the press) contemplated the planting of grass or sods in the strip in the centre of the street with necessary crossings and the operation of the electric surface road in this strip similar to the operation in Commonwealth Avenue in the City of Boston. This method was favorably commented on at the time the general plan was adopted, and as I have already stated the Railroad Company has not been consulted concerning any change.

Yours respectfully,



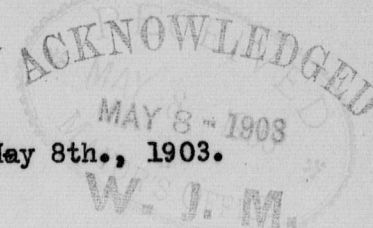


THE LONG ISLAND RAILROAD COMPANY.  
THE NEW YORK AND ROCKAWAY BEACH RAILWAY COMPANY.  
THE MONTAUK STEAMBOAT COMPANY, LIMITED.

OFFICE OF THE PRESIDENT.

W. H. BALDWIN, JR.,  
PRESIDENT.

128 BROADWAY, NEW YORK, N. May 8th., 1903.



Hon. Seth Low,

Mayor.

Dear Sir:

Since writing you yesterday Borough President Swanstrom has spoken to me in relation to my letter of May 7th., and several persons interested in the improvement of Atlantic Avenue have also called upon me. We have given the question of the paving Bill most careful consideration. We feel sure that the Bill as passed is crude and indefinite in respect to all parties interested, and it is conceded that the Bill must be amended before it becomes operative. I cannot see, therefore, that any time need be lost if the Bill is not approved, and a Bill in proper form could be passed at the next session of the Legislature.

As I advised you yesterday, the Railroad Company had expected to improve its own strip at its own expense, and to pay its ratable and legal share of the assessment for paving. We are not only in favor of the improvement of Atlantic Avenue and the paving of the street, but our business interests demand that it shall be paved.

Furthermore, in view of Comptroller Grout's open objection to the Bill, and his objection to improving the railroad strip, and his statement that he would not issue bonds for such purpose, this whole matter is left in a very uncertain condition, and apparently the Railroad would be asked to take care of its own right of way, and also pay one-quarter of the expense of paving the street. That would be double taxation which, of course, we could not consent to.

I repeat, that we are ready to take care of our strip at our own expense, and pay our legal share of the paving of the street, and it does seem to me that the Borough authorities can amply provide for the improvement without special legislation.

Yours respectfully,