



# MANOR MATTERS

DOUGLAS MANOR  
ASSOCIATION  
NEWSLETTER

MARCH/APRIL 2007

EDITOR: Linda DeRose

## *This Salubrious Spot - 100 Years*

The DMA's celebration of our centennial, which ends in April of this year, has been capped by the publication and distribution of *This Salubrious Spot*. This publication represents an effort of two years by a group of dedicated members, bent on educating all of us as to the very special aspects of this organization and this neighborhood. The resulting book is delightful. It becomes an interesting game trying to match our modern views with pictures from the past.

In the rush of our days most of us can rarely take the time to consider what has gone before and what impact the past has had on our present. Even more unique is the fact that our place, Douglas Manor, is able to trace its

history, through the Douglas Manor Association, back a 100 years and that this history has been traced by people who are members of this organization who are committed enough to take on this gargantuan task. This alone reflects on the special character of this place.

*This Salubrious Spot* also introduces us to the characters who populated the early Manor and to the developers and their sales strategies which have served us so well. How times have changed and how well we have survived, positioned for the next 100 years. The Publication Committee is to be congratulated for this masterwork.

The book has been distributed to all members and the Publication Com-

mittee had a number of extra copies printed so that any member who wishes can have a copy of the book sent to anyone they feel would be interested. *This Salubrious Spot* would make a lovely gift for someone who has moved from the Manor but left friends here. In order to accommodate what the Board anticipates will be a healthy demand for copies enclosed herewith is an order form. This form can be sent to Joan Corbisiero, along with a check for \$15.00 per copy made out to the DMA. This cost will cover mailing expenses and you can send a message to be enclosed with the book.

The Board hopes you enjoy this reminder of how important the Douglas Manor Association is to the welfare of the Manor.

## **\$6,000.00 Reward is Offered**

Since the summer of 2005 in excess of 30 tires have been slashed in our neighborhood, along with various other acts of vandalism including the keying of cars and the destruction of property. Several members, fed up with this destructive nonsense, have donated \$6,000.00 as a reward for information leading to the arrest of the individual(s) responsible for these attacks. Complaints have been filed with the police and the payment of the reward will be made upon the recommendation of the police based upon the value of information received.

The escalating nature of the attacks, and the pattern of their location along with their timing have led the police to believe

that the damage has not been random but rather designed to intimidate. The Board has been notified that this matter has been turned over to the Detective Squad and that the Precinct will be increasing patrols in the Manor.

It is unfortunate that any member has been damaged in this manner. It is more disturbing to think that a neighbor would stoop to aberrant, criminal behavior. We thank the members who have donated the reward. If you have information contact Officer Conway @ 279-5295 or leave the information on the website.

### **PLEASE NOTE:**

THE SECURITY  
PATROL'S PHONE  
NUMBER IS:

**646 335-6363**

DMA Website

DMANYC.Org

Feel free to communicate your concerns and ideas through this website. The Board wants to hear from you.

**DMA ANNUAL  
MEETING**

**MONDAY  
APRIL 30, 2007**

**COMMUNITY  
CHURCH  
8:00 PM**

Anyone attending this meeting who is under the age of 107 will be most welcome.

# NEW BUSINESS PLAN FOR THE DMA

After more than 10 years of service, Linda Wolfe has informed the Board that she will be retiring as Secretary to the DMA Board this year. The Board would like to take this opportunity to thank Linda for all the years of commitment and dedicated service she has given us. She will be very hard to replace.

Since Linda's retirement represents a big change to our organization the DMA Board has decided to take this opportunity to look into making changes to our operation with the intention of bringing the DMA and its business closer to the membership. To this end a Committee has been created to fulfill this mandate. Although, many elements of this plan have to be considered, as part of this new business model the committee is seeking local rental space where the DMA office can be placed. It is expected that

this office will be manned by an Administrative Assistant for set hours each day. This new arrangement should allow the membership easier access to the Board and the business of the DMA. Although many details are to be worked out and presented to the full Board for approval, it is hoped that the fact that this office will be open on a set schedule will give all members easier access to the DMA. The committee feels that this innovation will make the DMA a more professional organization and in conjunction with the website, more in touch with the membership.

It is anticipated that if the committee is able to structure this new model and it is accepted by the Board that this new office structure could be in place by the end of the summer. Mrs. Wolfe has agreed to stay on through the transition period which is a very generous gesture on her part

and which should make the change over seamless.

If anyone is interested in applying for the Administrative Assistant or Secretarial positions, please contact the Board through its website. You will be contacted as the plans become more structured.

At this point it is expected that the plan will require the Administrative Assistant's presence at the DMA office 3 hours a day for 5 days a week along with weekly trips to the post office and bank. The committee is tasked with fitting this new structure into the operational budget presently in place.

The Board is looking forward to this new plan as it feels that the needs of the membership will be better served while allowing the Board a central location to store DMA records and archives.

# NYC DEPT. OF HEALTH WAKES UP

The NYC Dept. of Health has actually issued Summons against two properties in the Manor for discharging cesspool waste onto our streets. This is a welcomed development which has been long time coming and which is heartily welcomed by the residents of the Manor. The membership has been vociferously demanding assistance in solving this problem for decades and it looks like we are finally going to get municipal assistance in resolving this sickening issue.

If you are being subjected to someone's discharge please call 311. Also be noticed that once a sum-

mons is issued the fines can be very severe. If you have a problem with your septic system there are very knowledgeable people within our organization who have volunteered to assist any homeowner in resolving any ongoing water or waste related problem. If you would like to consult with one of these volunteers please contact the Board via our website and assistance will be offered.

Cesspools are be a very efficient means of household waste removal which can function without problem if care is taken. Assistance is available but you must request it.

# ITS THAT TIME OF YEAR AGAIN

April is soon to be upon us and with the crocuses arrives our bill for DMA dues. Interestingly or not, in fiscal year 2006 the DMA suffered from a surprising number of non-payments from members who historically paid promptly. The Board has no explanation for this unpleasant phenomenon but it is sincerely hoped that it does not re-occur. Letters have been sent to all of these members.

Unfortunately or not, it's that

time again and our dues are now due for fiscal year 2007.

As always the same small group of residents refuses to comply with their Deed Restrictions and acknowledge their responsibility, however, the Board has voted to move against the worst offenders. As the DMA's legal right to collect dues has been upheld by the courts repeatedly there is no doubt to the outcome of these actions. However, the Board has also decided that going

forward whenever the DMA is forced to initiate suit it will ask for penalty interest and legal fees as part of its judgment. The organization should not be required to pay legal fees when it is forced to sue.

As always, if our dues represent a financial hardship for any member at this time, please contact the DMA office and an attempt will be made to create a payment arrangement. Several members are presently in Forbearance Arrangements.

# DOUGLAS MANOR DEED COVENANTS

As all residents of Douglas Manor are aware, when this peninsula was developed more than 100 years ago, it was developed with a plan in mind. That plan was meant, among other things, to insure that Douglas Manor's population density, residential and garden development character remained intact in perpetuity. The Douglas Manor Association was created by the developers to be the organization to assure that outcome.

The developers recognized that reliance on local government regulations, which are changeable and tend to be enforced in a spotty way, would not be adequate to protect Douglas Manor against population and economic pressures that the future was sure to bring. With this in mind, the developers utilized the long-standing and legally recognized technique of incorporating into every Douglas Manor deed certain restrictions, which are known as "mutual covenants" (Deed Restrictions). These restrictions are binding on all landowners and their existence benefits all owners because they are mutual - every owner benefits by every other owner abiding by the restrictions and thereby maintaining the character of Douglas Manor. The Board of Directors of the Douglas Manor Association is charged with assuring that all owners abide by these restrictions, for the greater good of Douglas Manor.

Two of those restrictions, regulating fence locations and the use of properties, are currently the focus of most concern to the Board. Fences are not permitted within 20 feet of the front, or side street, property lines of any lot. The reasons are obvious - maintaining a natural, garden development appearance and avoiding the harsh look of fences running across the front of homes. As was discussed in a recent issue of *Manor Matters*, in the past there have been and continue to be violations of this restriction. The Board investigates every report of a fence violation and attempts to resolve them in an amicable manner, but sometimes has to, reluctantly, resort to legal action in order to obtain compliance, with all of the anger and expense that inevitably results. The courts have consistently held that the covenants are enforceable.

The restriction on the use of property is that *"No lot or building erected thereon shall be used for any manufacturing or business purpose whatsoever, except that block 21 shall be exempt from said prohibition so long as it is used for the purpose of an inn, hotel or club house"*. Clearly, any business use of Douglas Manor property, except for the Douglaston Club, is prohibited. The reason for this restriction is also obvious - commercial or industrial uses would be entirely inconsistent with the residential character of the area, and the Board is committed to fulfilling its obligation to the community by enforcing this restriction.

The Board recognizes, however, that in a modern world, with the advent of inexpensive computers and fax machines, and with widespread internet access, coupled with fundamental changes in the way

businesses conduct their operations, including telecommunicating; it has become more and more common for people to perform some part of their business obligations at their home. As time pressures have increased, most of us have made business telephone calls from home, brought documents home to work on at night or on weekends, sent business e-mails and otherwise performed business functions in our homes. These kinds of unobtrusive activities are not what concerns the Board and numbers of Douglas Manor residents. The concern is that if businesses which require recognizable physical activity at or near a home are permitted to operate, the unique residential character of Douglas Manor will be compromised, or even lost. A further consideration is that if we delay or fail to enforce our covenants, there is a possibility that we may lose the legal right to do so. This could happen if we fail to enforce our covenants in a fair and equitable manner.

With these issues in mind, the Board is attempting to formulate reasonable and fair criteria for the enforcement of the covenant prohibiting business use of Douglas Manor properties. New York City, as do most municipalities, regulates the business use of residential properties. The zoning ordinance restricts the conduct of a "Home Occupation" in a residence, defined as a use that is clearly incidental to the residential use of a home and is carried on entirely within the home. It also provides that only one person not residing there can be employed and the use may not occupy more than the lesser of 25% of the total floor area of the home, or 500 square feet. The zoning ordinance defines home occupations to include professional offices, fine art studios, teaching of no more than four pupils simultaneously, and other similar vocations. The storage of materials, display of nameplates or signs in an R1 or R2 zoned area (such as Douglas Manor), the sale of goods, emission of noxious fumes and storage of commercial vehicles are all prohibited.

The Board believes that the City's definition is a good starting point but also believes that, in view of the broad prohibition provided for in our covenant, and the unique character of our area which it is designed to protect, a more restrictive definition is appropriate. With this in mind, the Board is proposing to utilize a standard that the courts in New York have already applied when considering similar covenants: *provided that the business use of the property is incidental to the residential use, is not discernable to the public at large, and does not cause an increase in traffic, commercial or otherwise, it does not violate the covenant*. Our ability to apply this standard will always depend on the actual circumstances involved. Nonetheless, it is hoped that the above provides some helpful guidance for reconciling the DMA's original property use restrictions with the more flexible modes of living and laboring in today's virtually expanded workplace.

## LIFE GUARDS NEEDED

**ANYONE INTERESTED IN WORKING AS A LIFEGUARD AT THE DOCK THIS SUMMER MUST HAVE BAY CERTIFICATION AS REQUIRED BY THE NYC BOARD OF HEALTH. IF YOU KNOW A SENIOR LIFEGUARD INTERESTED IN TAKING A BAY CERTIFICATION COURSE PLEASE ; GO TO DMANYC.ORG, CONTACT THE DMA OFFICE, OR CALL JOAN CORBISIERO. THE DMA IS PRESENTLY TRYING TO ARRANGE FOR A BAY CERTIFICATION CLASS TO BE GIVEN AT THE DOCK IN JUNE.**

**DOUGLAS MANOR  
ASSOCIATION NEWSLETTER**

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## **This and That**

- \* The 2nd Annual Splash and Dash is firmly on the calendar for 9/23/07. In order to obtain an entry form please go to the DMA website. This years event looks to be even bigger and better than last year.
- \* If there is interest, *Manor Matters* will begin an "It Matters to the Manor" column. This column can be used to inform your neighbors about engagements, weddings, graduations, awards, new jobs, relocations etc., etc. Use the website to report any item you wish to share or drop a note to the office.
- \* **DMA ANNUAL MEETING: 4/30/07 AT COMMUNITY CHURCH, 8:00 PM. YOUR PRESENCE IS REQUESTED.**
- \* Locker and Rack rentals are available for this summer. If you are interested the leasing form can be requested from the office or downloaded from the DMA website.
- \* Members are reminded that disposal of tree limbs which fall from City trees (those trees located between the sidewalk and the street) are the responsibility of the homeowner and the city. Dead wood from trees on the quarantined list for the Asian Longhorned Beetle must be picked by the NYC Department of Parks after being tied with twine into bundles not exceeding 4' by 3' in size. Call 311 to schedule pickup. The DMA groundskeeper is not responsible for disposal of tree limbs either on City property or on member's property.
- \* **AS SPRING APPROACHES PLEASE REMEMBER TO SCHEDULE GARDENERS SO THAT THEY ARE KEPT OUT OF THE MANOR ON WEEKENDS.**

# *This Salubrious Spot* - Order Form:

Please mail this form to :

Mrs. Joan Corbisiero  
318 Warwick Place  
Douglas Manor, New York 11363

Copies are \$15.00 each which cost includes mailing. Please make check payable to The DMA.

NAME AND ADDRESS OF RECPIENT:

If you would like to include a message please place it in the box below and it will be sent with the book: