

EATON'S NECK
AND
THE EATON HARBORS
CORPORATION



TO THE STOCKHOLDERS OF THE
EATON HARBORS CORPORATION :

At the organization meeting of the Board of Directors of Eaton Harbors Corporation, Miss Mary Voyse was made Chairman of the Publicity Committee and given the responsibility for preparing a history of Eaton's Neck and the Eaton Harbors Corporation. The attached report of the Committee, for which we all owe Miss Voyse our thanks, will, I am sure, be of interest to you.

The booklet has been printed through the generosity of Mr. Robert Rowe of the Security Banknote Company.

CHARLES SHOREYS,
President.

February 14, 1956

The Early History of Eaton's Neck

Eaton's Neck, Long Island, with an area of about 1500 acres, juts out into Long Island Sound and is tied to the mainland by a narrow beach called Asharoken Beach. Both names—Eaton and Asharoken—are witnesses to the fact that this beautiful "almost island" has a long and fascinating history, going back to earliest colonial times. Of this history we shall give but a brief summary here, but an interested reader may learn more details by referring to "Eaton's Neck, Long Island, Its History and Geological Background" by Sydney Bevin and Mary Voyse.

Asharoken, spelled variously, was a chief of the Mattinecock Indians. Theophilus Eaton, a rich London merchant, with John Davenport, a famous divine, founded tiny settlements at New Haven and other points along the Sound in 1639. In 1646 Eaton, who was deeply interested in getting the lands of the New World into the hands of the English rather than the Dutch settlers, acquired Eaton's Neck and part of the mainland of Long Island by deed from Resoroken. This is one of the oldest deeds on Long Island and predates the Huntington deed by several years. The Indians were not averse to selling the same land twice, as they included Eaton's Neck in a grant to Huntington men (1656). This led to three law suits, the last and most famous of which was held in New York in 1666 before the Governor and his Council, which decided that Eaton's Neck did not belong to Huntington.

The daughter of Theophilus Eaton inherited her father's land. Her name was Hannah and she married William Jones. She sold the Neck to Captain Robert Seeley of Hartford in 1662 for 50 pounds. It passed from him to George Baldwin and in 1668 was again sold to Alexander and Richard Bryan (or Bryant) of Milford, Conn. The new owners petitioned Governor Dongan to create Eaton's Neck a royal manor. He granted their request and the land became known as The Lordship and Manor of Eaton, in the year 1686. The manors of Long Island and Westchester were generally owned by wealthy cultured gentlemen, and were virtually self-governing units. They were brought to an end by the American Revolution. In 1710 the Dongan Patent to the manor was made over to John Sloss of Fairfield, Conn. for 1650 pounds. His grandson, John Sloss Hobart, born in Fairfield in 1738, came to Eaton's Neck with his bride about 1764, and probably lived in the large colonial house later called Cherry Lawn. It was located with its outhouses and gardens between Cherry Lawn Lane and the bay beside a giant sycamore tree. Today only some bricks of its foundation remain.

Hobart, as a Son of Liberty, played an important part in events leading up to the American Revolution. During the Revolution he was at Washington's Headquarters trying to get relief for the people of Long Island who had surrendered to the British. Later he served as a justice of the first Supreme Court of New York State,

for a short time was U. S. Senator from New York, and then became Judge of the U. S. District Court for New York. He served in countless notable conventions. This forgotten hero gave his fortune to his country, and, because of poverty was forced to sell Eaton's Neck and moved to Throgg's Neck in 1788.

The Watts Family who acquired Eaton's Neck from Judge Hobart soon sold to John Gardiner, a descendant of Lion Gardiner who came from Gardiners Island. The family lived at Eaton's Neck—at one time called Gardiner's Neck—for several generations, and reminders of this family are to be found on the Neck. In 1798 John Gardiner deeded 10 acres of land to the U. S. Government for \$500 for a lighthouse, which was soon built. The little Gardiner grave-yard remains as a reminder of early times on the hillside across Cherry Lawn Lane from where the old house stood. Old Oakleaf remains, a sturdy and beautiful post-revolutionary farmhouse where George Gardiner lived. Also still standing is the little schoolhouse, now a dwelling, located on the corner where the road to the Lighthouse leaves Eaton's Neck Road. The land for the school was given by the Gardiners. The Gardiners also lived in a farmhouse near the Lighthouse and in Franklin Farmhouse near Bevin Road. The Jones family descended through Eliza Gardiner owned West Beach with its two long sand fingers pointing at Huntington. At one time they operated sand and gravel works there. The tip of the finger was called Port Eaton. There was also a picnic grounds called Valley Grove. Recently this Jones land has been sold for development and for a town park.

The old Gardiner lands began to pass into other hands about the middle of the nineteenth century. This was halted by a wealthy New York iron merchant, Cornelius H. DeLamater, who began in 1862 a systematic purchase of Eaton's Neck, piece by piece. Eventually he owned all except the Jones property at West Beach and the Lighthouse. He lived with his wife and large family in the big mid-Victorian house where his grandson, Sydney Bevin, and his wife live today. Mr. DeLamater made Eaton's Neck into a beautiful private estate, with roads and footpaths winding along the shores. Near the Lighthouse was his farm—called Beacon Farm—noted for the breeding of registered cattle. As his daughters and grandchildren married, more beautiful houses were built. It was the final breakup of the part of this estate which belonged to the Robinson, Donnell and DeLamater branches of the family which led to the formation of the Eaton Harbors Corporation.

The "Babbott Agreement" and the "Weinrichter" Map

Eaton Harbors Corporation came about as a result of the desire on the part of the owners of some of the old DeLamater estate to sell part of their property. Preliminary to the formation of the Corporation there was an agreement, entered into in

1926, which established the so-called "Babbott Restrictions". Dr. Frank L. Babbott, Jr. had bought several hundred acres of the estate, roughly lying north of Eaton's Neck Road, between Bevin Road and the Lighthouse Road. He lived in the charming low white house, once called Franklin Farm House, now owned and occupied by Mr. and Mrs. John Klein. In 1926 Dr. Babbott suggested to Mrs. George H. Robinson, a daughter of Cornelius H. DeLamater, that it would be mutually advantageous for them to agree on restrictions covering the sale of land at Eaton's Neck.

Of the restricted lands, Dr. Babbott owned about 294 acres, while the Robinson-Donnell lands amounted to about 550 acres. Mrs. Elizabeth H. DeLamater owned 25 acres. An elaborate and interesting survey prepared in 1884 by Oscar Darling for Mr. DeLamater was used as a basis for the restrictions contained in the agreement.

These provided that no plot should be less than three acres, except in Old Orchard Woods, where one acre lots could be sold. Houses were to cost at least \$10,000 except in the North Creek (Old Orchard Woods) area where \$6,000 was acceptable. Business, except agriculture and dairying, was generally excluded.

These restrictions expired on July 1, 1941. They are important to our story for two reasons. First, upon their expiration the only acreage and building restrictions affecting the properties became those contained in the Town of Huntington and the Village of Asharoken ordinances, to the extent applicable, and second, many lots were in fields with no roads in or out. No provision had been made for common bathing beaches or parking places.

A new map was therefore prepared in 1927 by Ralph Weinrichter which was filed as Map 1004 in the County Clerk's Office in Riverhead. This map sub-divided the land into plots and provided for new roads, parking spaces and bathing beaches for the common use of residents.

The Organization of Eaton Harbors Corporation

Subsequently, on September 12, 1927, the Eaton Harbors Corporation was formed, "for the purpose of holding title to and controlling and maintaining certain lands at Eaton's Neck, Northport, N. Y., for the common use and benefit of the adjoining property owners." This meant that the owners had to give up some of their property. On September 23, 1927, the restricted land was all deeded to Sarah D. Robinson, using the descriptions of the old Darling map, and then was deeded back to the original owners, using the Weinrichter map, less such portions as the owners had agreed to surrender for roads, parking places etc. as shown on the Weinrichter map. On October 22, 1927, Mrs. Robinson deeded to the Eaton Harbors Corporation 57.534 acres of land, having an assessed valuation of \$14,920.74, as shown on the

new map, for roads, parking places, bathing beaches and other common uses. This was the amount of land and its character, as then owned by the Corporation. On the same day the first meeting of the directors of the Corporation was held. They were empowered to issue 1488 shares of common stock—later changed to 1492 shares—to Sarah D. Robinson in exchange for 57.534 acres, with the understanding that she would retransfer and allot shares of stock among the other owners in accordance with a list known as Schedule A. Mrs. Robinson kept 638 shares and apportioned 850. On October 28, 1927, a written legal document entitled "Declaration as to Stock in Eaton Harbors Corporation" was drawn up between the Corporation and the owners of the Robinson, Donnell, DeLamater lands. Among other things it was agreed that every plot of land would have allotted to it the number of shares in the Corporation as shown in Schedule A; that the shares were always to be transferred with the land, if it was sold, as if they were part of the real estate conveyed; that the owners of the land should control all the capital stock; that the Babbott restrictions were to be followed; and that an annual assessment, not exceeding \$5 for each share of stock, should be levied to maintain and operate the land owned by the Corporation.

The transfer of land on Eaton's Neck from the large holdings proceeded slowly after the filing of the Weinrichter Map. A large tract of 201 acres belonging to Mrs. Robinson was transferred to the Eaton-Robinson Corporation to hold title for her children, and 532 shares of Eaton Harbors Corporation were allocated to the Eaton Robinson Corporation. By the end of World War II parts of this property, as well as parts of other holdings, were divided and sold so that Eaton Harbors Corporation had 34 stockholders. Following the end of World War II many persons were attracted to Eaton's Neck and there are now more than 130 parcels to which the stock of Eaton Harbors Corporation is allocated, all of which pay a yearly assessment based on the shares allocated to the parcels for the maintenance of the property they own in common.

The Charter and By-Laws

Eaton Harbors Corporation was organized as a business corporation under the laws of New York on September 12, 1927. Its affairs are, however, conducted as that of a non-profit organization and it enjoys, as a result, an exemption from the payment of U. S. Income Taxes, and Franchise Taxes, except for a minimum annual \$10.00 fee to the State of New York. Its charter documents consist of its certificate of incorporation, as amended, and its by-laws. The By-Laws, as amended, contain articles which deal with such topics as:— meetings, annual and special, and the method of election of directors, now seven in number, who are to be chosen through cumulative voting, that is, each stockholder has as many votes on the election of directors as he has shares multiplied by the number of directors to be elected, and he may cast

all for one director, or distribute them in any way he sees fit. The four officers, president, vice-president, secretary and treasurer, are elected by the Directors after the election of each new board. In 1950 Mr. Paul A. Brunn was chosen secretary and still holds that position. The By-Laws also contain articles concerning certificates of stock, dividends, the fiscal year and how the By-Laws may be amended. Amendment may be made by a two-thirds vote of the stockholders or, in some cases, by the Directors alone without vote of the stockholders.

There have been only a few presidents of the Corporation. Mr. Harry E. Donnell gave unstinting service as President until 1950 when he was succeeded by his son, Mr. George E. Donnell. In September, 1952, Mr. Abram E. Horn was elected by the directors, and he served until 1955 when Mr. Charles Shoreys became president.

A review of the Directors' minutes over the years shows that most of the meetings were devoted to routine business, such as repair and improvement of the roads and the sluice, the audit of the books of the Corporation, and the fixing of the annual assessment on the shares of the stock of the Corporation, (which the directors are authorized to do each year at their February meeting: the assessment year runs from December 1 to November 30).

A few items of special interest may be mentioned. Extensive changes became necessary in the "Declaration as to Stock" when a large area sold to Mr. Henry S. Morgan was freed from the obligations of the Declaration. This land, Sections L, M, N, O, P, Q, R and S as shown on the Weinrichter map, as a result of the sale passed from the jurisdiction of Eaton Harbors Corporation, and the Corporation sold to Mr. Morgan the roads, parking places, beaches, etc. 100% of the stockholders of the Corporation consented to the amendment and sale, which consent was deemed necessary by Mr. Morgan's attorney, and the title company concerned. The amendment was filed on May 25, 1937.

The sale resulted in a reduction of the acreage owned by the Corporation from 57.53 acres to 33.21 acres and in reducing the number of the Corporation's outstanding shares to 1174. The proceeds from the sale of the Corporation's property was applied by the Corporation's directors, until 1941, toward the maintenance of the remaining properties of the Corporation.

In 1950 the stockholders authorized the formation of a Beach Club independent of the Corporation to serve stockholders who became members. Lockers were built near the sluice on Corporation land. The Corporation now owns the lockers, which pursuant to action of the Corporation's Directors, are being taken care of by the Eaton Harbors Civic Association.

As the number of home-owners grew, a democratic desire to participate in the affairs of the Corporation became manifest. At a special meeting held at the home of Mr. A. E. Horn on August 19, 1950, it was proposed that the By-Laws be amended to permit the holding of the annual meetings of the stockholders on Eaton's Neck on the third Saturday in August, beginning with the year 1951. This was adopted and resulted in amending the Certificate of Incorporation to provide that the office of the Corporation shall be located in the Town of Huntington, and the amendment of the By-Laws to provide that the annual meeting of the stockholders could be held in Eaton's Neck in August. The first Annual Meeting on the Neck was held on August 18, 1951 at the home of Mr. Rudolph Voliano.

In 1951 on the advice of its road committee the Corporation adopted specifications that all roads must conform to before they will be accepted for maintenance.

The Corporation is not required to build any roads and there are a number of roads as shown on the Weinrichter map, as for example, Bayberry Road from Locust Lane to Winkle Point Drive, which have not as yet been built. After a road has been privately built and accepted by the Corporation, its maintenance becomes an obligation of the Corporation.

The earliest directors of the Corporation were naturally members of the same family, related by blood or marriage. Those named in the Incorporation Certificate are Sarah D. Robinson, Ruth R. Donnell, Edith A. Robinson, Laura R. Donnell, Elizabeth H. DeLamater, Harry E. Donnell and Attmore Robinson. Until 1938 all directors were members of the same family. In 1938, Richard E. Bishop, Abram E. Horn and Charles A. Olcott replaced the three daughters of George H. and Sarah D. Robinson.

The following property owners have served the Corporation as directors faithfully for five years or more since 1938:—George E. Donnell, Abram E. Horn, Richard E. Bishop, Dr. Carl Krenz, Rudolph Voliano, Cartwright F. Lane and Archie Reeve. The present officers (1955-6) are:—

President and Director	—	Charles Shoreys
Vice-Pres. and Director	—	Rudolph Voliano
Treasurer and Director	—	Archie F. Reeve, Jr.
Director	—	Arthur Hamburger
Director	—	Dr. Carl Krenz
Director	—	Rudolph H. Schultz
Director	—	Mary Voyse
Secretary and Ass't Treas.	—	Paul A. Brunn

Limited Powers of Eaton Harbors Corporation
The Eaton Harbors Civic Association

As indicated above, although organized as a business corporation, the powers and activities of the Corporation are limited by the Declaration as to Stock which requires that the annual assessments, which are the only source of revenues for the Corporation (aside from voluntary contributions which have been made in the past) be applied to the operation and maintenance of the properties of the Corporation. These consist of the roads and beach area. Hence, the directors may not authorize the expenditure of its funds for purposes other than running expenses, essential corporate services and the maintenance of its road, parking areas and beach. Because there are certain areas of action not open to property owners through the Corporation, as stated above, some of the stockholders began a new organization in 1954 called Eaton Harbors Civic Association. Its meetings, business and social in character, are held every other month in private homes. Mr. Charles Schmidt is its first president. The Civic Association is interested in such fields as securing better fire and police protection for those living outside the village of Asharoken, keeping the roads private and the community beach clean. It is planning a playground for the children near the bathing beach, and has in mind a long term development of the community's resources. Under its auspices a community get-together and party was held at the Sluice for the first time in 1955. Music was provided by the young people of Eaton's Neck. Most members of the Corporation belong to the Civic Association and all new home-owners and residents are welcomed.

A further complication arises from the fact that the land of many of the stockholders of the Corporation, perhaps a quarter of them, lies in the Village of Asharoken. These property owners pay the Huntington town tax, the Asharoken Village tax and the yearly assessment of the Eaton Harbors Corporation. They receive police and fire protection from Asharoken, while the rest of the lands of the Corporation are virtually unprotected. At times, this brings about a division of interests in the Corporation. When the regulations of Asharoken differ from those of the Corporation, those who live in Asharoken follow the Asharoken, not the Corporation, regulations. For example, those corporation members who live in Asharoken need own only one acre of land, whereas, in the Corporation area outside of Asharoken, two acres are required by the Huntington Zoning Law. The Corporation itself has no zoning restrictions.

Because the \$5 a share yearly assessment now levied by the Corporation for the upkeep of roads is a constant sum and has to meet the rapidly increasing costs of labor and material, the problem constantly arises as to whether the assessments will

cover the yearly expenses. It is admitted that all roads cannot be kept in first-class condition with this limitation. The suggestion has been made that it would be good policy to turn the roads of the Corporation, but not the community beach, over to the Town of Huntington. The objection to this is that it would involve giving up one of our greatest assets, the privacy of our roads. Studies have been made in the past of joining Asharoken, or of uniting all of Eaton's Neck in a village, but, at present, it seems that only through the continuance of the Corporation is it possible for the property owners to keep roads, parking area and beach private. Good citizenship, expressed in free service and hard work by many stockholders, devoting many hours of their time to the work of the Road and other Committees, has helped the Corporation to meet this difficult problem.

Suggestions for Stockholders

1. Drive carefully.
2. Watch your property survey when you have it fenced. Plant shrubs within your own property lines. The Corporation's roads are 50 feet wide and plantings on the Corporation's property may have to be removed in connection with the maintenance of the roads or a widening of the surfaced or treated road area.
3. Cooperate in keeping the edge of the road abutting your property clear.
4. Do not endanger children by bringing boats, especially boats with outboard motors, to the beach directly in front of the parking area.
5. Use the Beach Permits issued each Spring by the Corporation. Accompany your invited friends to the Beach and assist in maintaining its private character.
6. Keep the beach clean. Receptacles for waste are provided by the Corporation.
7. If you clam or do any shell fishing obtain the appropriate license from the Town of Huntington, Village Hall, Main Street.
8. Help in fire or other emergencies. Before starting a brush fire obtain a permit from the local fire warden.
9. Save as much as possible of the native plants and shrubs; bayberry, shadbush, dogwood, wild azalea, spice bush, wild rose and grape are examples of plants that should be saved. Ferns, solomon seal, violets and other spring flowers should be kept carefully.
10. Plant extra bushes with berries to help the birds through the winters. As the ground is cleared it becomes increasingly difficult for the birds and small animals to survive. Eaton's Neck has been noted for the variety of its birds.
11. Save all evidences of early history, such as Indian arrow-heads, fossils, buttons or coins dug up. Perhaps some day we may have our own school and include a museum there.

12. Drop a card to Paul A. Brunn, Secretary, 15 Broad Street, New York 5, N. Y., whenever the address to which you wish notices mailed is changed.
13. If you have any suggestions for the good and welfare of the Corporation, write or call its President or any member of the Board.
14. If your property on Eaton's Neck is located entirely outside of the Village of Asharoken, the only real estate tax bill you will receive will be that of the Town of Huntington. Bills are generally mailed after December 1st of each year. Payment of the tax may be made, without penalty, in two installments, to the Receiver of Taxes, Town Hall, Huntington, N. Y. The first installment is due on or before January 10th; the second on or before May 31st, after which date all bills must be paid to the County Treasurer, Riverhead, N. Y., plus penalty and interest.

If your property is also situated within the limits of the Village of Asharoken, you will also receive a tax bill from the Village. The Village tax is due on June 1, but may be paid without penalty any time prior to July 1. Mr. Alvah W. Haff, 347 Madison Avenue, New York, N. Y. is the Treasurer of the Village.

