



January 28, 2020

Town of Aurora Zoning Board of Appeals
300 Gleed Avenue
East Aurora, New York 14052

Re: Application for Use Variance to Events Center
Applicant = Lanefoot LLC / Peter & Mary Zittel
Property = 111 Beech Road, Town of Aurora, New York
Property Owner = Lanefoot LLC

Dear Town of Aurora Zoning Board of Appeals:

Our law firm represents Lanefoot LLC and Peter & Mary Zittel (collectively, "Applicant"). This letter shall serve as a supplement to the Applicant's application for a use variance to allow for an event center.

Legal Authority for Granting of a Use Variance

The legal authority for the Applicant to be granted a Use Variance is found in New York Town Law §267-b(2) and in the Town Zoning Code and states:

2. Use variances.

(a) The board of appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined herein.

(b) No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located, (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2)

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that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created.

Use Variance Criteria 1

“the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence”

Use Variance Criteria 1 requires that the Applicant demonstrate that it “cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence”.

Here, a detailed financial analysis has been provided by the Applicant, however in addition to this, the unavailability of any financially viable expressly permitted uses pursuant to the Town Zoning Code can also be demonstrated for this property.

The Town Zoning Map shows that this 3.3 acre parcel is actually divided into three separate zoning classifications:

- a. R1 – Residential;
- b. RR – Rural Residential; and
- c. A – Agricultural.

This is certainly a rarity with any property and the situation is not even addressed by the Town Zoning Code. The Town Zoning Code § 116-25 addressed “Lots in Two Districts” but does not address a lot in three districts.

Additionally, considering that the largest structure at the site is a historic barn that is 60 feet high and approximately 14,000 square feet, the following uses allowed in the three zoning districts are not practical or financially viable to produce a “reasonable rate of return” as Use Variance Criteria 1 requires:

- a. “One single-family dwelling, with no other dwelling or principal building on the same lot” – Applicant cannot comply because there is an “other dwelling or principal building on same lot” and the idea of a single family dwelling which is an old barn, 60 feet high and 14,000 square feet is not feasible;
- b. “Church or other place of worship or religious instruction” – there is no demand for this use, in fact churches are being converted to other uses throughout Western New York;

- c. "Public or Private School" – no demand for this use and lot size is not big enough for use;
- d. "Public park or public playground maintained by the State of New York, County of Erie or Town of Aurora" – no demand for the use and a burden on the taxpayers and especially not needed considering the creation of Knox State Park.
- e. "Home Occupations" – this would require a single family home in the barn which is addressed above and not feasible;
- f. "Group family day cares and family day-care homes" – the size of the structure and difficulty in conversion makes this unfeasible (consider size of other day cares in area).
- g. "Bed and Breakfast" – defined by Zoning Code as "An operator-occupied one-family dwelling within which is provided overnight accommodations for transient paying guests and which may include the serving of breakfast, and possibly other meals, to such guests." -- this would require a single family home in the barn (i.e., "owner occupied") which is addressed above and not feasible;
- h. "The Keeping of Domestic Animals" – agricultural uses require a larger lot size and economically unfeasible. Moreover, only a small portion of the property is zoned Agricultural and the barn is not zoned Agricultural.
- i. "Apiary limited to five hives" – unfeasible to have primary use of a 14,000 feet building containing "five hives." Moreover, only a small portion of the property is zoned Agricultural and the barn is not zoned Agricultural.
- j. "Two-family dwelling with no other dwelling or principal building on the same lot" – there is already another dwelling on lot, so not applicable and not feasible to have a 14,000 square feet duplex.
- k. "Seasonal cottages" – not feasible for a 14,000 square feet structure.

Additionally, the 60 feet height of the existing barn would exceed the height limitations for all of the uses set forth above.

Accordingly, combined with the financial evidence already provided, it is clear that the applicant "cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence."

Use Variance Criteria 2

“that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood”

Use Variance Criteria 2 requires that the Applicant demonstrate that it “that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood”.

For Use Variance Criteria 2, there can be no question that the property is unique for many reasons, including the following:

- a. its three zoning classifications;
- b. the size of the barn;
- c. the historic nature of the barn – see attached as Exhibit A showing that the barn is a historic structure that was built in 1895 as part of the Clement Estate and was designed by E.B. Green. This clearly indicates that demolition is not an option and preservation and adaptive reuse are required.
- d. barns are obviously designed for agricultural use but the lot is only 3.3 acres and only a very small section is actually zoned agricultural and the barn is not zoned agricultural.

Use Variance Criteria 3

“that the requested use variance, if granted, will not alter the essential character of the neighborhood.”

Use Variance Criteria 3 requires the applicant to demonstrate that the requested use variance, if granted, will not alter the essential character of the neighborhood.

First, it should be stressed that the barn has been in “the neighborhood” since 1895 predating all or at least the vast majority of properties, so the barn is clearly part of the “essential character of the neighborhood.” As discussed above, the current three zoning classifications do not allow for a feasible use as zoned and demolition is not an option given the barn’s historic status. The most harmful outcome for the “essential character of the neighborhood” is to allow for no use and the resulting dilapidation of the barn as it is not

reasonable to expect the property owner to make a substantial investment in restoration without a use to recover the investment.

Second, any other concerns raised by proposed use will be addressed at the site plan approval stage.

Finally, to the extent that it can be argued that the “essential character of the neighborhood” is residential, there are all types of residences in the area, including single family homes, apartments and patio homes. Those residential uses developed around and with full notice of the Applicant’s property and barn. Additionally, there are other examples in the Town of properties being converted to non-residential use in primarily residential areas, such as the Old Orchard and the main house at Knox State Park, and no reasonable person could see these uses as detrimental to the “essential character of the neighborhood.” Rather, they preserved and adaptively reused unique structures such as the Applicant’s barn.

Use Variance Criteria 4

“that the alleged hardship has not been self-created”

Use Variance Criteria 4 requires the Applicant to demonstrate that that the alleged hardship has not been self-created.

The alleged hardship has been described above regarding the lot size, size of barn and historic status of the barn, coupled with the three existing zoning classifications. The Applicant caused none of these hardships.

Conclusion

It is important to understand the role of the ZBA regarding this application. Zoning laws restrict property rights and the legality of a municipality to restrict such zoning rights was upheld in the landmark decision of the United States Supreme Court in 1926 in the case of Euclid v. Ambler Realty Co. While the United Supreme Court upheld municipalities’ right to restrict property rights, zoning boards of appeals were created to grant variances in instances where the zoning code of a municipality was unfair to a particular property. In fact, New York Town Law §267(2), requires that “each town board which adopts a [zoning code] shall appoint a board of appeals” and that use variances be granted in those instances when strict adherence to the Zoning Code is unfeasible.

To this point, the New York State Court of Appeals (the highest Court in the State of New York) has referred to zoning boards of appeals as a “**safety valve**”, meaning the role of zoning boards of appeals in granting variances from the applicable zoning code “is to afford relief to an individual property owner [or lessee] laboring under restrictions [of the zoning

code]. Where the property owner [or lessee] is unable reasonably to use his land because of zoning restrictions, the fault may lie in the fact that the particular zoning restriction is unreasonable in its application to a certain locality, or the oppressive result may be caused by conditions peculiar to a particular piece of land.”¹

The granting of this use variance will result in the restoration and adaptive reuse of a historic structure. If denied, there is no feasible use for the property. This case is the very reason why zoning boards of appeals and use variances exist.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC



Peter J. Sorgi, Esq.

Enc.

¹ See, *Otto v. Steinhilber*, 282 NY 71 (1939), where the Court of Appeals held: The object of a variance granted by the Board of Appeals in favor of property owners suffering unnecessary hardship in the operation of a zoning law, is to afford relief to an individual property owner laboring under restrictions to which no valid general objection may be made. Where the property owner is unable reasonably to use his land because of zoning restrictions, the fault may lie in the fact that the particular zoning restriction is unreasonable in its application to a certain locality, or the oppressive result may be caused by conditions peculiar to a particular piece of land. In the former situation, the relief is by way of direct attack upon the terms of the ordinance. (*Nectow v. City of Cambridge*, 277 U.S. 183; *Dowsey v. Village of Kensington*, 257 N. Y. 221. Cf. *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365.) In order to prevent the oppressive operation of the zoning law in particular instances, when the zoning restrictions are otherwise generally reasonable, the zoning laws usually create a safety valve under the control of a Board of Appeals, which may relieve against "unnecessary hardship" in particular instances. (*People ex rel. Fordham M. R. Church v. Walsh*, 244 N. Y. 280; *Bassett on Zoning* [1936], p. 120 et seq. Cf. *Matter of Eaton v. Sweeny*, 257 N. Y. 176.) This the statute accomplishes in the following language: "Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, the board of appeals shall have the power in passing upon appeals, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the use, construction or alteration of buildings or structures, or the use of land, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done." (*Village Law*, § 179-b. Cf. *New York City Zoning Resolution*, § 21.) (*People ex rel. Fordham M. R. Church v. Walsh*, supra, at p. 290.)

See also, *Tall Trees Constr. Corp. v. Zoning Bd. of Appeals*, 97 N.Y.2d 86 (N.Y. 2001), where the Court of Appeals held: Zoning Boards of Appeals were created "to interpret, to perfect, and to insure the validity of zoning" through the exercise of administrative discretion (2 Salkin, *New York Zoning Law and Practice* § 27:08, at 27-14--27-15 [4th ed]). Often regarded as a "safety valve," Zoning Boards of Appeals are invested with the power to vary zoning regulations in specific cases in order to avoid unnecessary hardship or practical difficulties arising from a literal application of the zoning law (id. § 27:09, at 27-15).

Exhibit A

Excerpts for Regional Comprehensive Plan and
Historic Documentation of Barn and Property

Section 4.0

Existing Conditions of the Communities in the Region

**FIGURE 4.8-11
HISTORIC STRUCTURES, TOWN OF AURORA[†]**

Property	Address	Date
Riley House/Old North Farmhouse*	299 Pine Street	1830
Cornwall Castle/Rushing Waters*	99 Gypsy Lane	1883
Clement Barn*	111 Beech Road	1895
Tillou House*	1014 Jewett Holmwood Road	1821
Henry C. Jewett House*	438 Jewett Holmwood Road	1878
Nathaniel Fillmore Farm*	512 Olean Road	1820
Brookins House*	806 Luther Road	1835
Old School House # 7 *	Blakely & Olean Road	1850
Brick Adams House*	1231 Olean Road	1830
Ira Adams House*	1289 Olean Road	1860
former W. Aurora Congregational Church*	1799 Mill Road	1831
Griffin Bausch House*	1825 Mill Road	1810
Frank Yaw House *	1868 Mill Road	1880
Griffin Dougall House*	1848 Mill Road	1830
James Ives House*	1812 Mill Road	1823
Adams Paul House*	1778 Mill Road	1820
Deacon Henry Moore House	Mill Road	1830
Josiah Emery House/Emery Park Inn*	Emery Road	
Spooner Cornwall Gow House*	2426 Emery Road	1948
Crockershire Mills*	1900 Davis Road	1827
Samuel Hibbard House*	Grover Road	1862
Josiah Jewett House*	390 Jewett Holmwood Road	
Munt Residence	Big Tree Road	
Lecture Hall, West Falls*	Mill Road at Falls Road	1848
644 Davis Road*	644 Davis Road	1846
Structure*	785 Quaker Road	

* Shown on Historic Sites Map

Source: NYSOPRHP and Town Historian.

Section 3.0 Goals and Objectives

Provide clean, potable water to the residents of the region in an economical manner and in a manner that does not encourage sprawl

- In areas where water quality threatens the public health, establish new service to residents and maintain existing service in a manner that does not spur excessive new development.
- Protect groundwater aquifers and natural recharge areas including wetlands and significant areas of upland open space on a watershed basis.
- Protect groundwater and surface water resources from contamination from failing septic systems and other sources of pollution.

In each community, there were issues that related more specifically to that particular community. Comments related to local issues and concerns were utilized to formulate goals and objectives for each of the five partnering communities, as follows.

3.2 Town of Aurora

Preserve community character

- Preserve the rural character of the Town through proper planning and development.
- Preserve significant areas of open space along roadsides and along property lines to maintain the rural character of the Town.
- Maintain, protect and enhance existing street trees and roadside foliage.
- Preserve and enhance existing cultural resources, including the library facilities.
- **Preserve historic resources** and promote architectural development styles consistent with the character of these resources and the area.

Properly manage future growth and development

- Encourage increased collaboration between the Town and Village to improve cohesion between the communities and better plan for and coordinate future growth and development that will benefit both communities.
- Reduce the fiscal burden upon existing development when providing infrastructure for new development.
- Plan for and foster a balance and diversity of uses in the Town to control the cost of and need for public services and upgrades.
- Encourage the use of alternative development techniques that manage the density and adverse impacts of residential development, and control sprawl.
- Maintain efficient and responsive fire and emergency services.
- Provide adequate and accessible locations for affordable housing within the overall pattern of development, especially for the elderly.
- Effectively buffer residential uses from the impacts of commercial and industrial development.
- Properly plan development to preserve areas identified as important open space, stream corridors, wildlife habitat and corridors, and farmland.
- Allow for the provision of adequate infrastructure that addresses public needs without encouraging excessive growth.
- Focus commercial growth in the vicinity of the Village but at a size and scale that is compatible with the surrounding community and that doesn't induce sprawl.
- Promote the development of a diversity of housing alternatives to accommodate all age groups and incomes.

Preserve and promote recreational opportunities

- Improve and maintain existing recreational facilities and increase opportunities for diverse recreational activity in the Town.

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EAST AURORA, NY
Part 1

Elmhurst,
East Aurora, N.Y.

See page 16

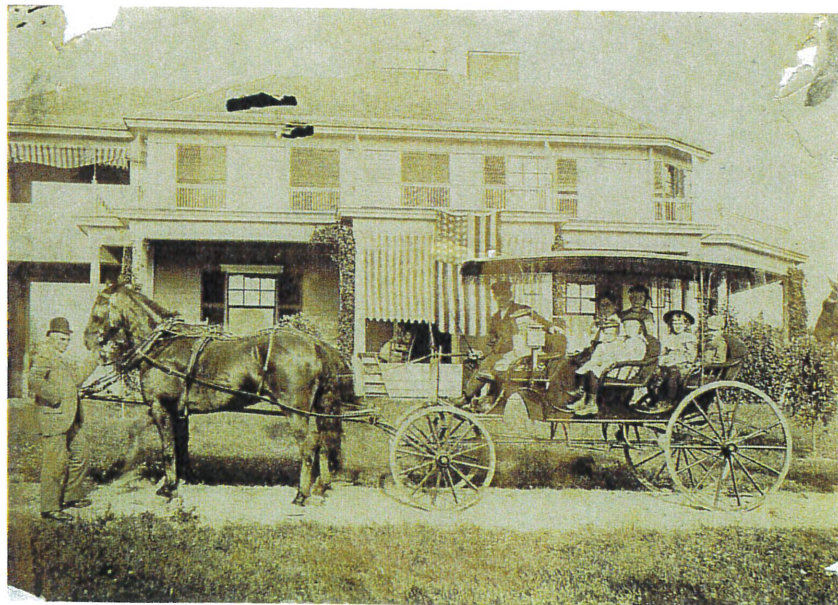
ELMHURST / THE HOMESTEAD, EAST AURORA, NY

Part 1



CJC/SMCIII Album

Stephen Merrell Clement House on Mill Road, south of the town of East Aurora, New York, purchased in 1894, with more land assembled in 1895 & 1896. This is the earliest photo we have of the house. SMC & CTC had it moved across Mill Road to higher ground to the east



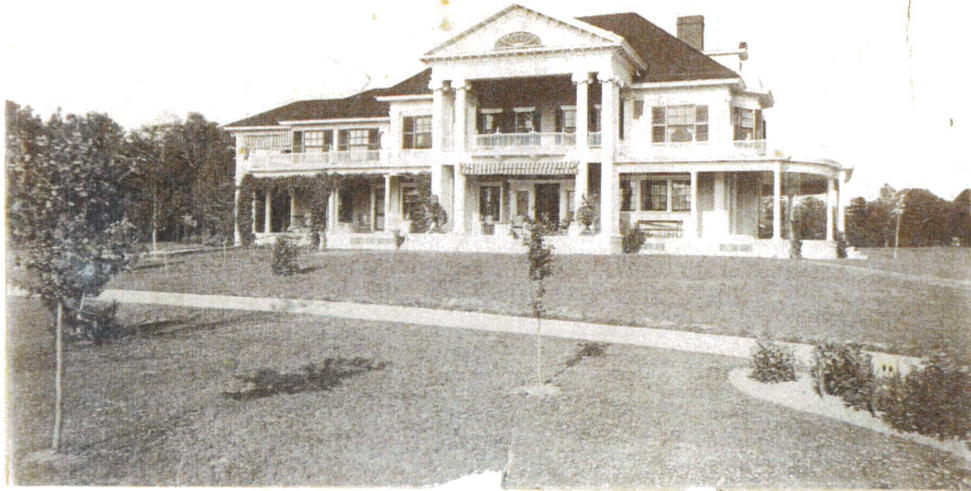
HTC Photo Album

Note the two hip roofs to the left (north) of the picture: the northern-most roof covers a sleeping porch and a porte-cochere: carriages drove under the porch to the barn in the back. The new construction, to the south, covers the old house, up to and including the widow's walk.

Stephen Clement¹, Frederick Clement², Stephen Mallory Clement³, Stephen Merrell Clement⁴, Norman, Edith, Merrell, Harold, Marion, Stuart⁵

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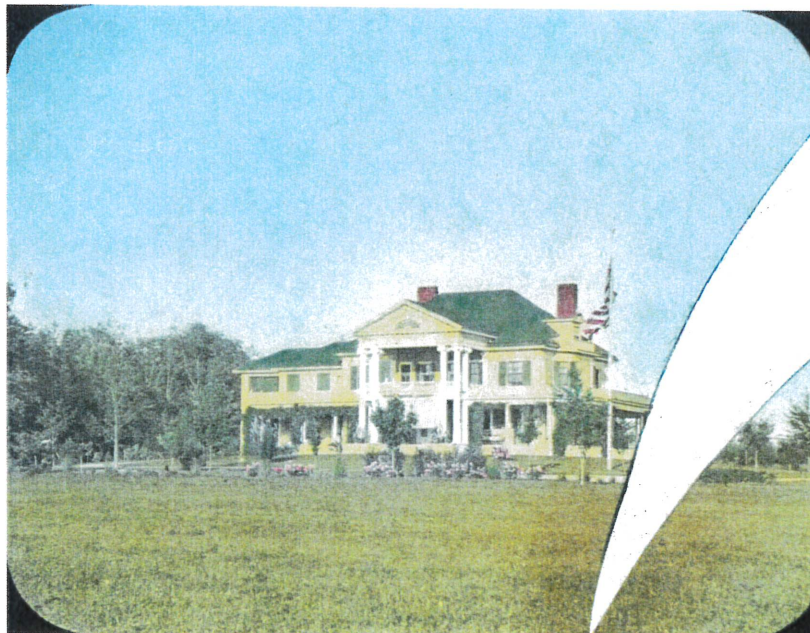
Part 1



Rufus Frost

Elmhurst c. 1900

Newly expanded by architect Stuart Lansing; note the two surviving gables to the left (north). Harold Clement, Sr remembered riding his tricycle around the entire second floor porch roof.



HTC Studio

Lantern slide c. 1900

*Stephen Clement¹, Frederick Clement², Stephen Mallory Clement³, Stephen Merrell Clement⁴,
Norman, Ediib, Merrell, Harold, Marion, Stuart⁵*

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Part 1



CTC/SMCIII photo album

Family Portrait c. 1900

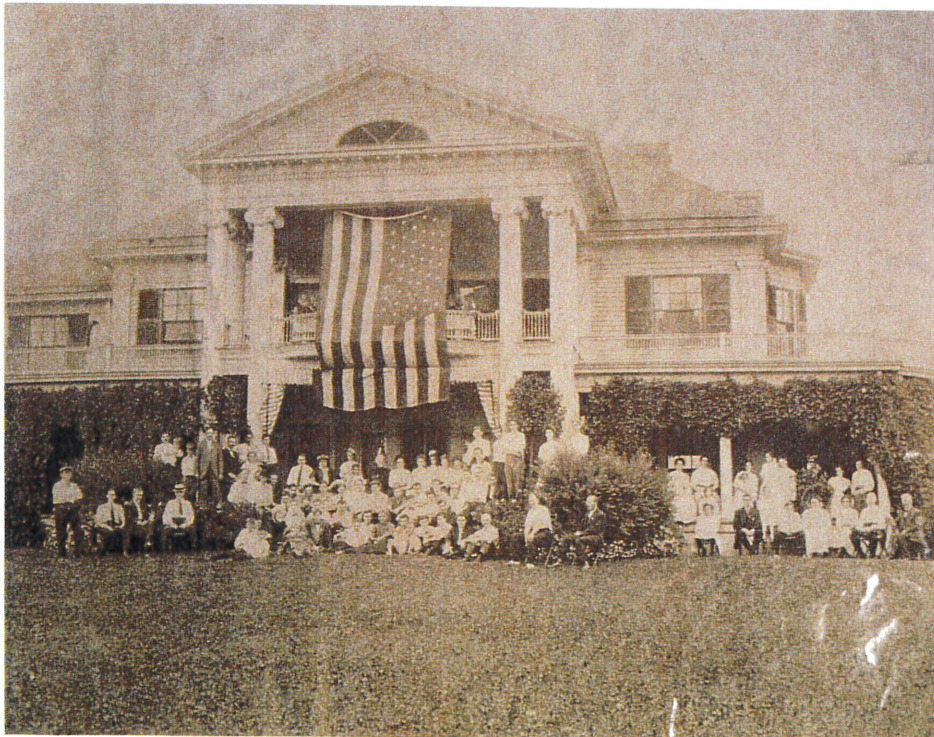


Photo CJC/SMCIII Album

*Stephen Clement¹, Frederick Clement², Stephen Mallory Clement³, Stephen Merrell Clement⁴,
Norman, Edith, Merrell, Harold, Marion, Stuart⁵*

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Part 1

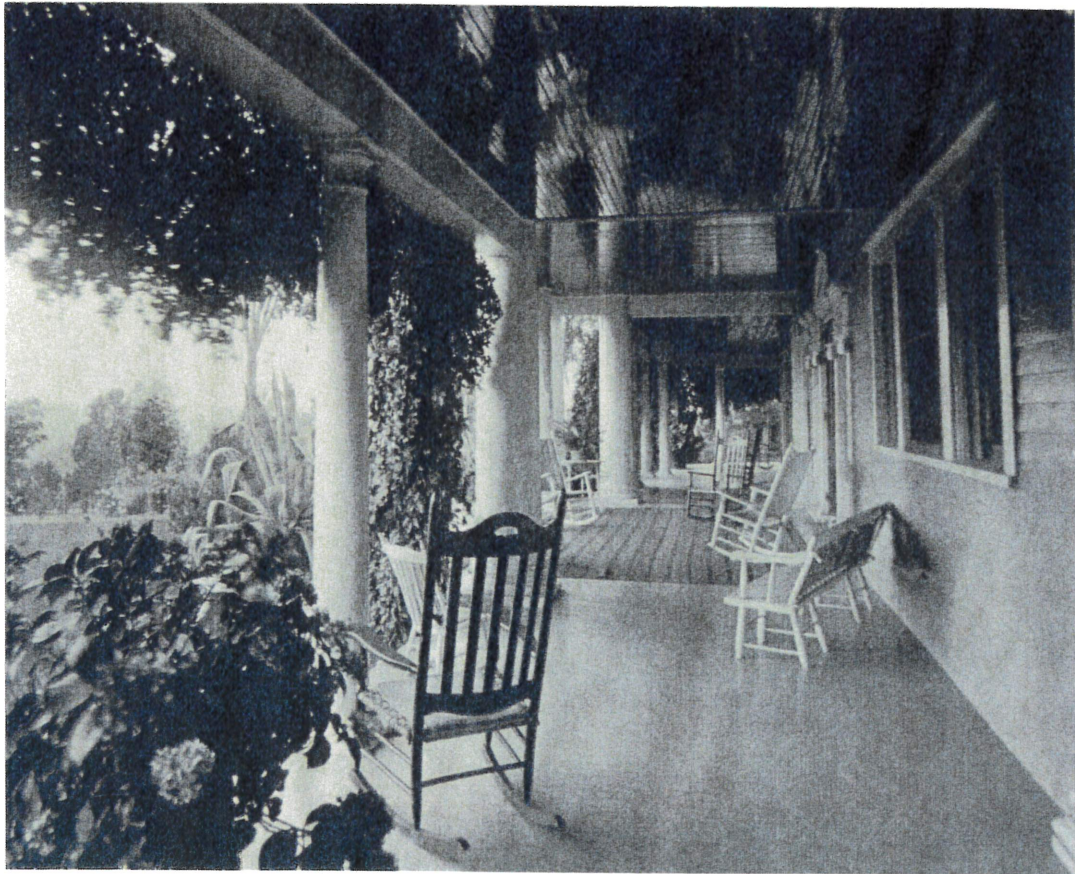
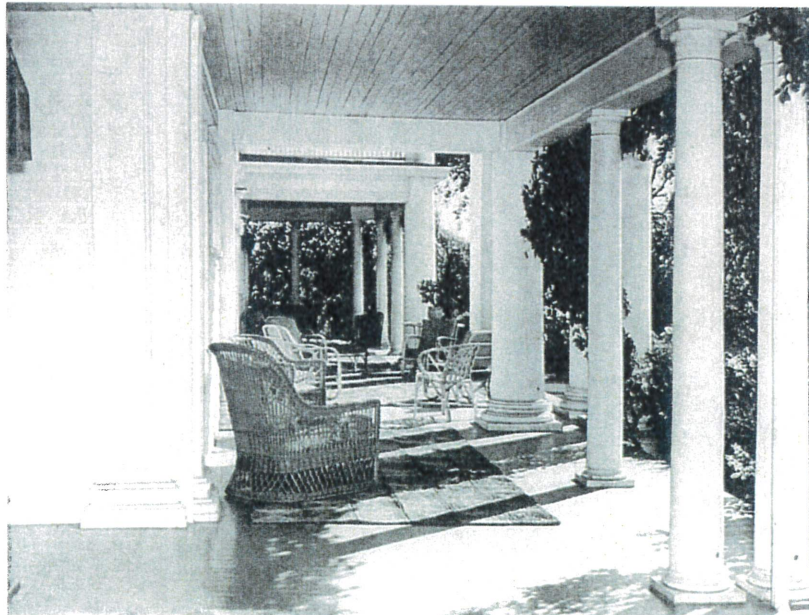


Photo CJC/SMCIII Photo Album

Front Porch of Elmhurst c. 1900, looking north. Later the family could see the tall Rand Building, on Lafayette square in downtown Buffalo, from the porch.



CTC Grandchildren's Album

*Stephen Clement¹, Frederick Clement², Stephen Mallory Clement³, Stephen Merrell Clement⁴,
Norman, Edith, Merrell, Harold, Marion, Stuart⁵*

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Part 1



HTC Sr

Family Tree c.1900: NPC, CTC, MC, SHC, SMC2 and SMC, jr, HTC seated below.
The bench and tree were located behind the big house, along the Long Drive. This photo
appears to have been taken on the same day as the portrait in front of the house.

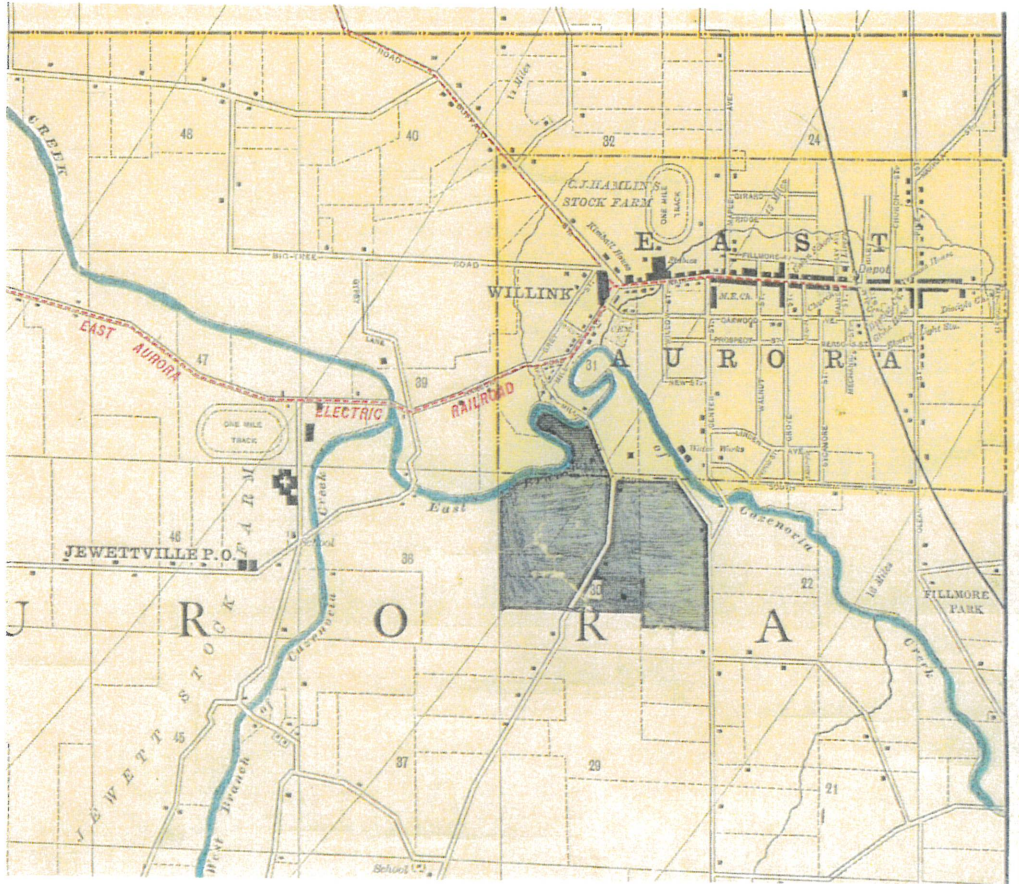


HTC Stereoptican

Family Portrait c.1910: Marion, Gramma Clement, Margaret Hale Clement, SMC2;
Stuart, Harold, Norman holding David H Clement. Merrell flanks David.

*Stephen Clement¹, Frederick Clement², Stephen Mallory Clement³, Stephen Merrell Clement⁴,
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Part 1



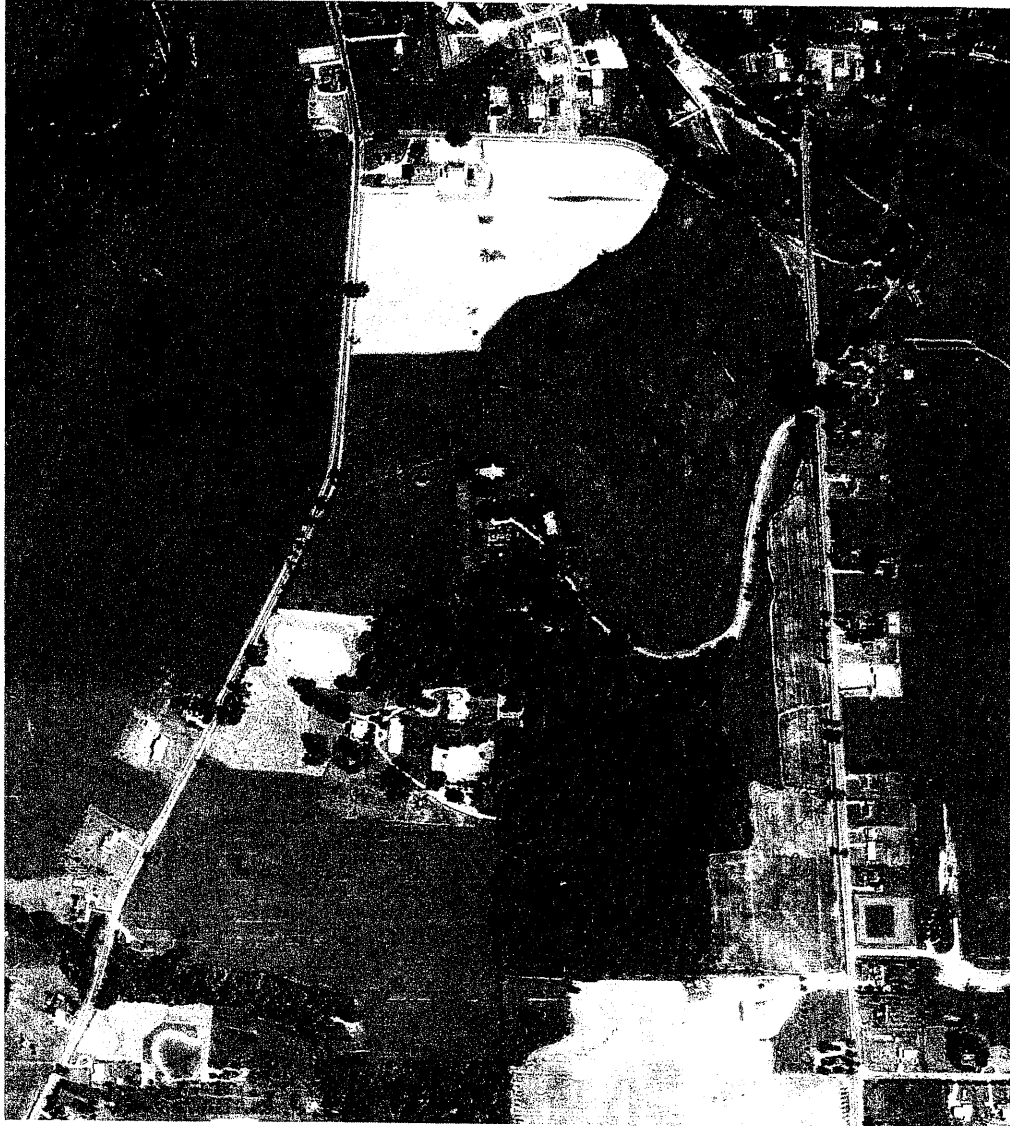
HTC Studio

Detail of a large Erie County map, marked by SMC2, to show his property in East Aurora. His land measured approximately 500 acres. Center Street runs true north/south at the right of the property, and Mill Rd runs through the center. The corner of Mill Rd. & Beech Rd. is the site of the Elmhurst Special Milk barns. Two old landmarks of East Aurora are indicated on the map: the Cicero J. Hamlin Stock Farm, and the Jewett Stock Farm, with its miraculous mile-long covered trotting race track. The cross-shaped building was a series of barns. Both sites were famous for their trotting horses and races. "Willink" was the original, Holland Land Company, name of East Aurora

*Stephen Clement¹, Frederick Clement², Stephen Mallory Clement³, Stephen Merrell Clement⁴,
Norman, Edith, Merrell, Harold, Marion, Stuart⁵*

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Part 1



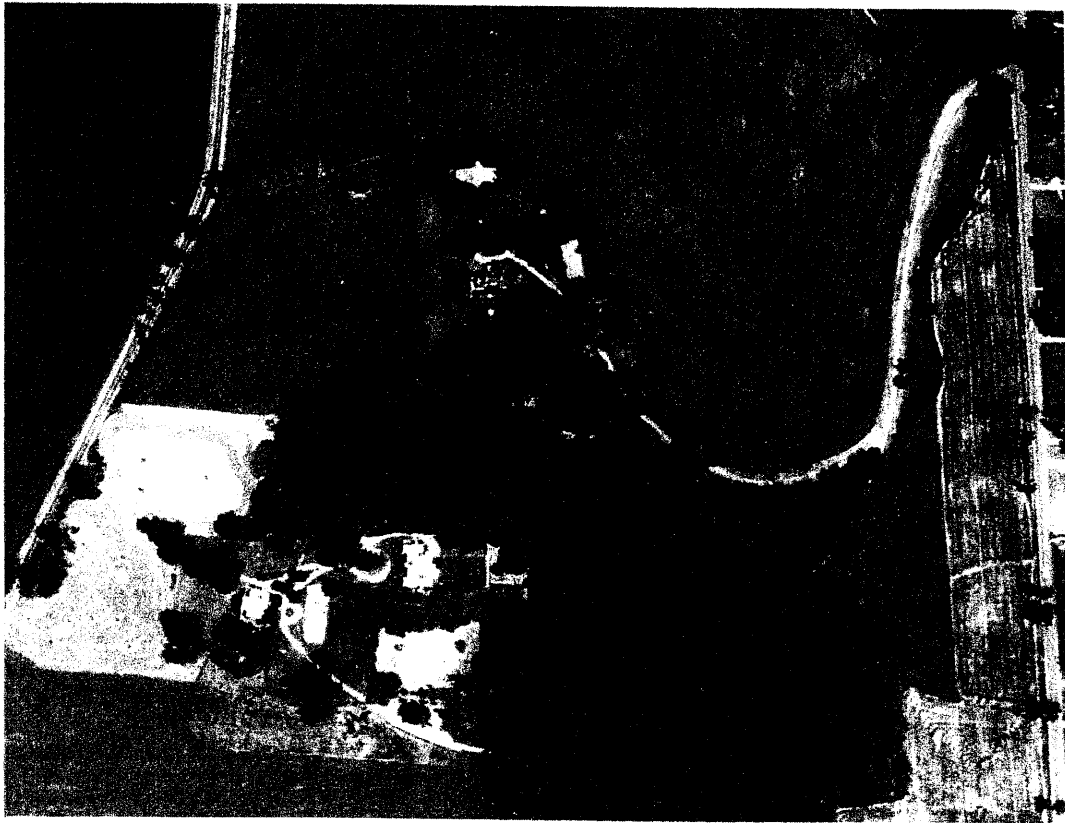
Aerial Photo 1966

A larger view of the property: Mill Road to the left, Center Street to the right, Beach/Beech Road (the road signs at either end of the road are in disagreement) across the top. The dairy barn is at the top left of the picture, awash in mown hay. The formal entrance to Elmhurst / The Homestead, was from Mill Rd. The open drive from Center St. serviced Meadowridge, as well as The Homestead, and was laid out to allow a carriage or "station" wagon, coming from meeting the train from Buffalo, to avoid the dusty County road. The "Long Drive" began where the open drive meets the woods: you can almost see where the drive curves through the trees and emerges behind the house. SMC2 reportedly loved bursting out into the sunlight after traveling through the darker woods. The light patch at that point is more mown grass.

*Stephen Clement¹, Frederick Clement², Stephen Mallory Clement³, Stephen Merrell Clement⁴,
Norman, Edith, Merrell, Harold, Marion, Stuart⁵*

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Part 1



Detail of aerial photo of 1966 showing the Homestead & Meadowridge properties.

The Homestead, the shortened version, is a small white square fronted by mowed lawn; the white patch behind, with the circular drive, is the remains of tennis court; the stables are to the right of the house, with another circle in front. South of the stables was an orchard, and behind was a long greenhouse. The gardener's cottage is seen to the right of the orchard, tucked up against the woods. The Meadowridge pool stands out, surrounding sentinels of clipped cedars. Meadowridge itself has a circular drive. The tennis court is to the east, with the Picnic Shelter in the trees to the south of it.

*Stephen Clement¹, Frederick Clement², Stephen Mallory Clement³, Stephen Merrell Clement⁴,
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Part 1

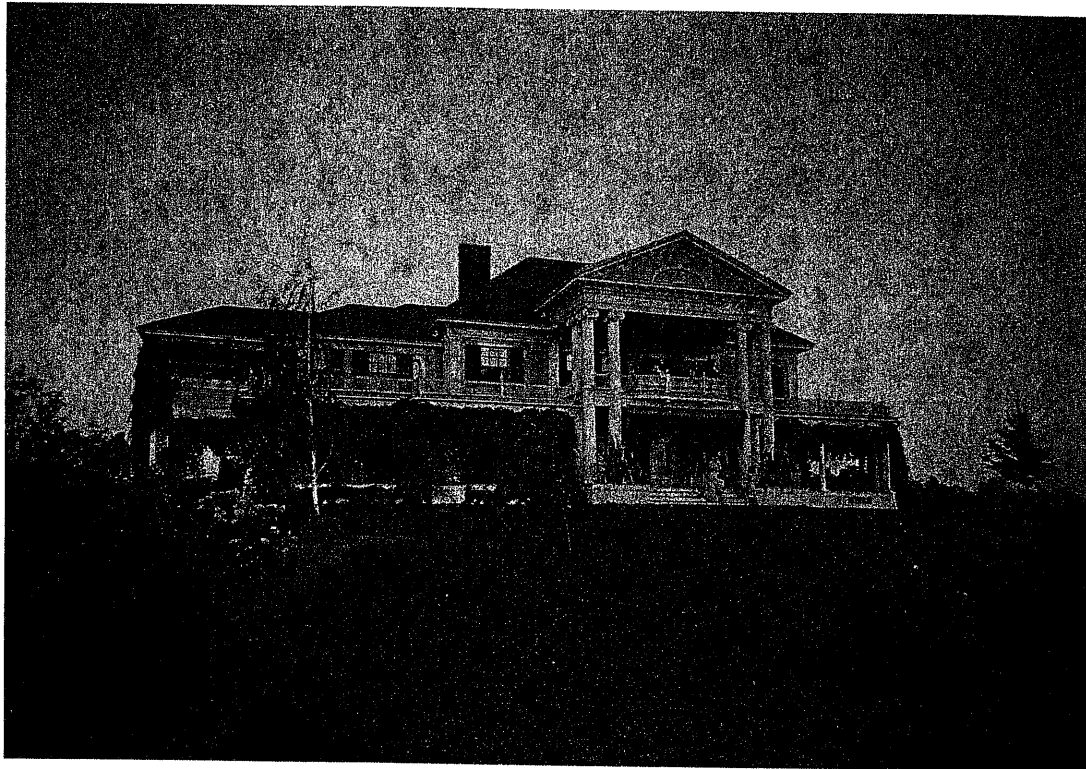


Photo CJC/SMCIII Album



Photo CJC/SMCIII Album

Note the curtain of ivy, completely filling one bay of the porch.

*Stephen Clement¹, Frederick Clement², Stephen Mallory Clement³, Stephen Merrell Clement⁴,
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Part 1



Photo CJC/SMCIII Album

Elmhurst from the southeast.



Photo CJC/SMCIII Album

The south façade of Elmhurst, before the formal garden was planted.
Note the early stable building to the right.

*Stephen Clement¹, Frederick Clement², Stephen Mallory Clement³, Stephen Merrell Clement⁴,
Norman, Edith, Merrell, Harold, Marion, Stuart⁵*



SMC2 "Round" Album

Carolyn T Clement with Harold and Stuart, c.1900. The early stable sits to the right. The structure on the ground behind them is the original cupola of the larger stable, which was deemed unattractive, and the present one was installed.

*Stephen Clement¹, Frederick Clement², Stephen Mallory Clement³, Stephen Merrell Clement⁴,
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Part 1



Xerox CTC/SMCIII Album

View of the house from the formal garden, looking north.
The house was painted yellow with white trim.



CAC Album

Harold, Jr in the formal garden c.1919.

*Stephen Clement¹, Frederick Clement², Stephen Mallory Clement³, Stephen Merrell Clement⁴,
Norman, Edith, Merrell, Harold, Marion, Stuart⁵*

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Part 1



HTCjr Kodak

View of the formal garden from the north. The bench is an elongated version of the Lutyens ("Luch-ens") bench, designed by Sir Edwin Lutyens, an English architect & garden designer. Merrell Clement, as an architect, would have had access to woodworkers who could stretch the original, shorter, design.



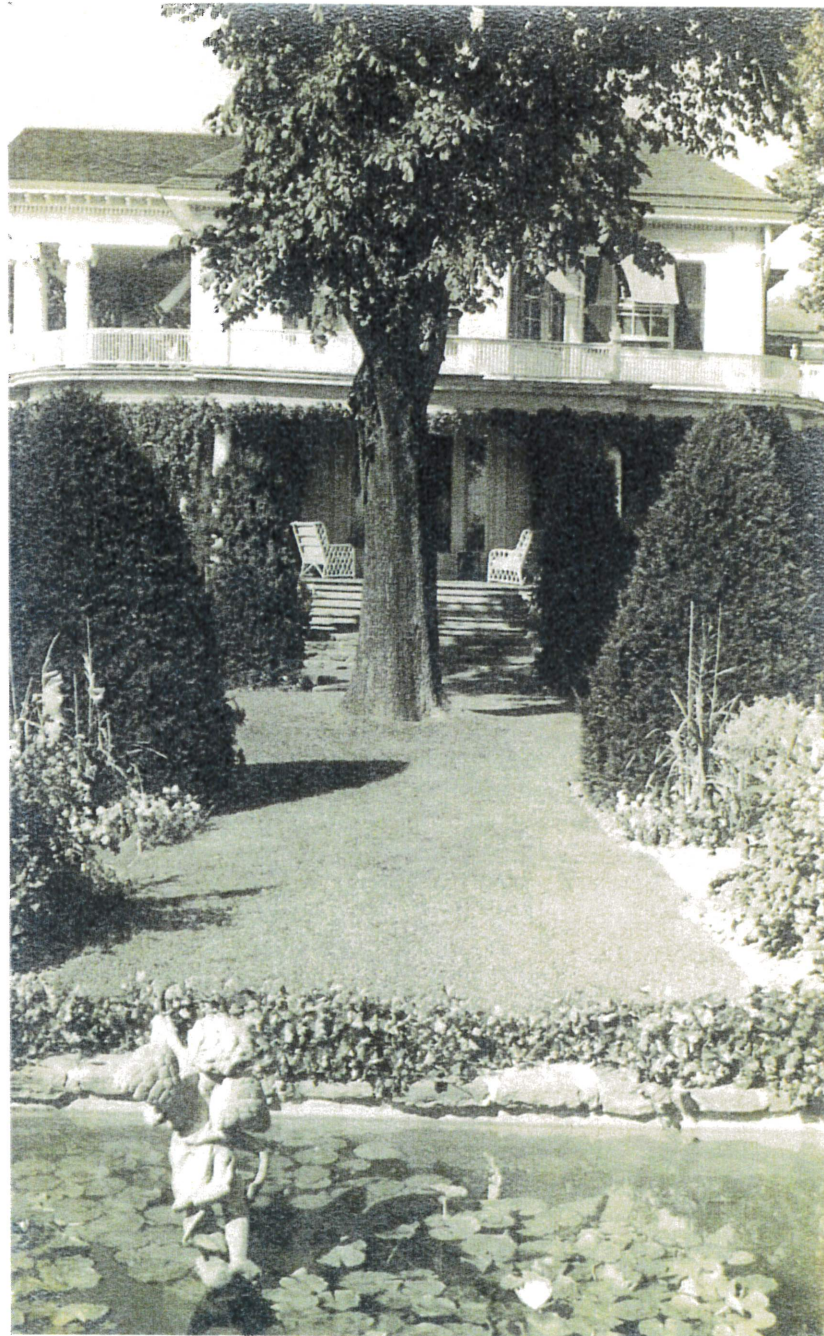
HTC Photo Album

Family portrait taken at Gramma Clement's July 19th birthday: possibly her 70th in 1931. The bench is being put to the test.

Stephen Clement¹, Frederick Clement², Stephen Mallory Clement³, Stephen Merrell Clement⁴, Norman, Edith, Merrell, Harold, Marion, Stuart⁵

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Part 1



CTC's grandchildren's book

The formal garden was laid out by landscape architect Warren H. Manning (1860-1938), a successor to Frederick Law Olmsted, and an alumnus of that office. He also designed a garden for 786 Delaware Avenue, in 1900.

Stephen Clement¹, Frederick Clement², Stephen Mallory Clement³, Stephen Merrell Clement⁴, Norman, Edith, Merrell, Harold, Marion, Stuart⁵

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Part 1



Photo CJC/SMCIII Album

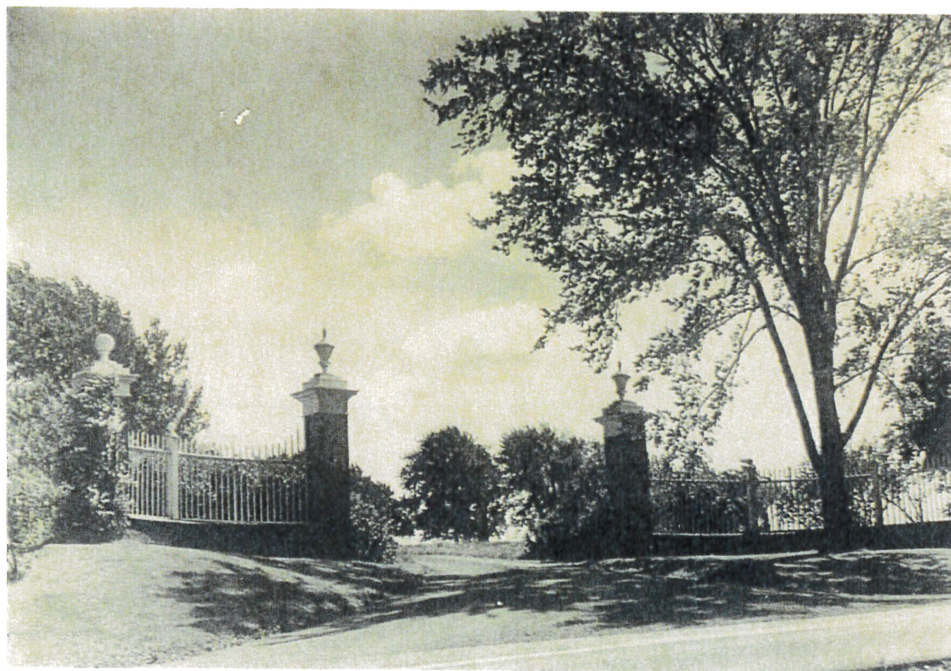


Photo CJC/SMCIII Album

The garden from the second floor of the house.

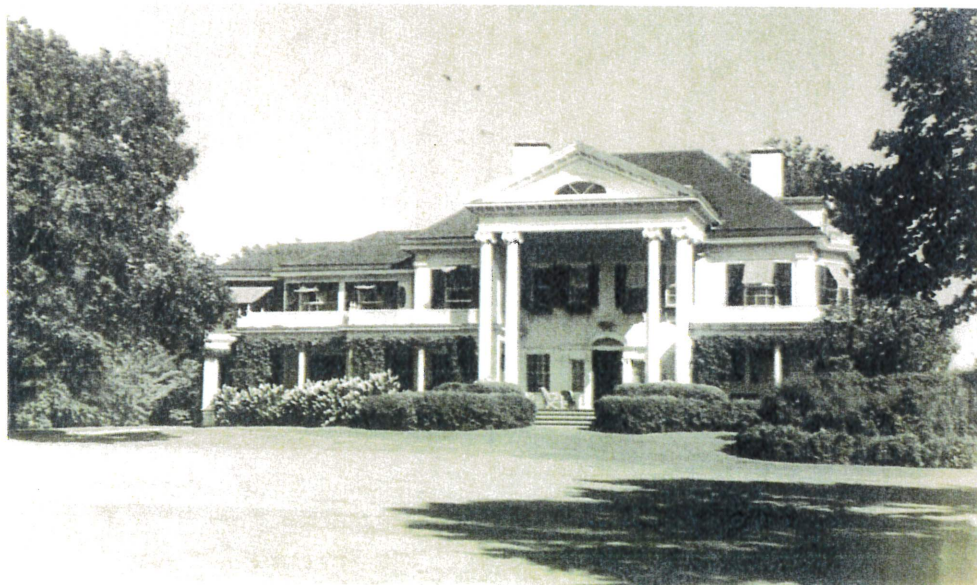
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EAST AURORA, NY
Part 2



CTC Grandchildren's Album

The formal entrance gates on Mill Road. A similar gateway greeted the visitor at the Center Street entrance.



CTC Grandchildren's Album

The house was called The Homestead sometime after 1905. The second floor porch has been removed from between the pairs of columns, at the suggestion of Merrell Clement, architect.

Peter W. Clement 4 Waterbury Avenue Madison, CT 06443
Clement Day July 2011
10b-SMC EA Scrapbook 2

ELMHURST / THE HOMESTEAD
EAST AURORA, NY
Part 2



CTC Grandchildren's Album



CTC Grandchildren's Album

The tennis court and the rear of the house from the east.

*Stephen Clement¹, Frederick Clement², Stephen Mallory Clement³, Stephen Merrell Clement⁴,
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EAST AURORA, NY
Part 2



CTC Grandchildren's Album

View north across the entrance hall to the Dining Room to the Library/Study at the end, overlooking the Porte-Cochère. The sconce in the Dining Room is one of several now owned by different branches of the family.



CTC Grandchildren's Album

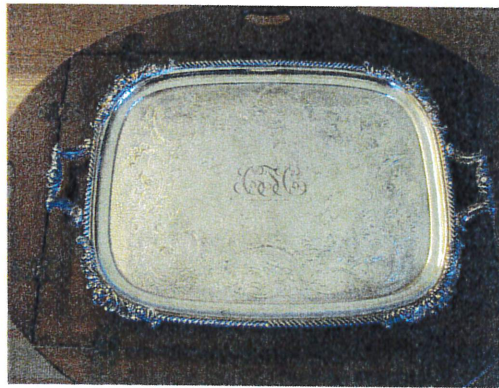
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EAST AURORA, NY
Part 2



CTC Grandchildren's Album

The silver tray on the sideboard commemorates Grandma Clement's 80th birthday in 1941. Each of her children & many of her grandchildren's signatures were engraved on the tray.



Peter Clement

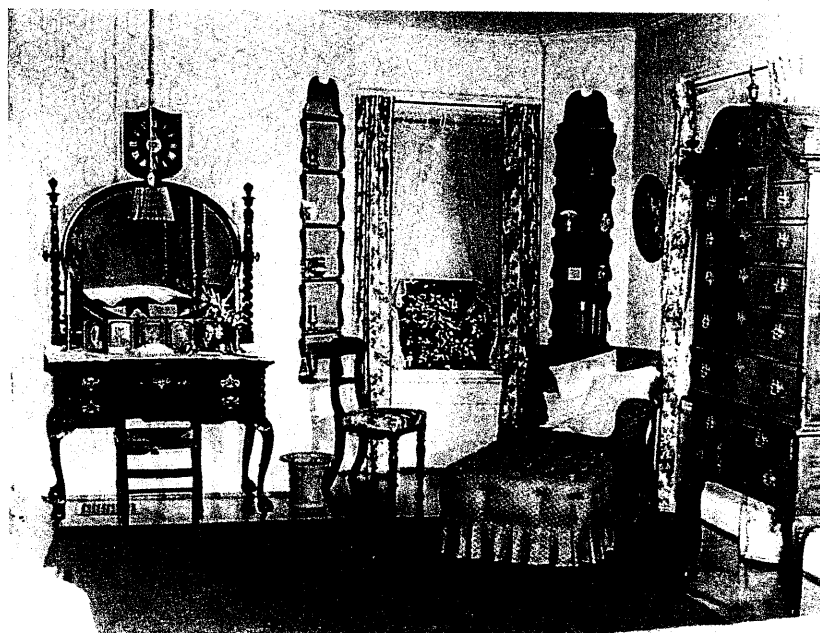
*Stephen Clement¹, Frederick Clement², Stephen Mallory Clement³, Stephen Merrell Clement⁴,
Norman, Edith, Merrell, Harold, Marion, Stuart⁵*

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EAST AURORA, NY
Part 2



CTC Grandchildren's Album

Grandma's Bedroom



CTC Grandchildren's Album

Grandma's Dressing Room

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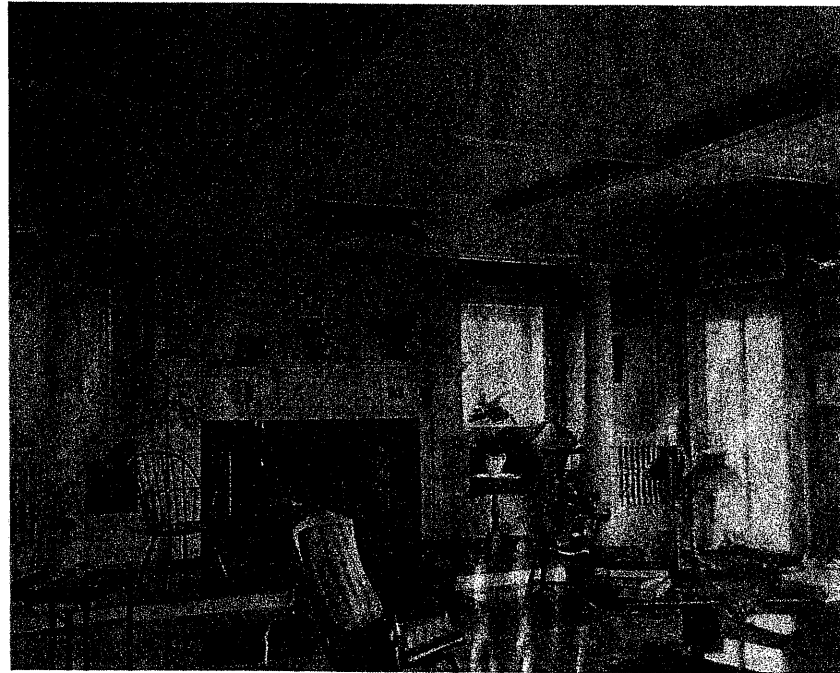


Photo CJC/SMCIII Album

The first Living Room. Compare the French door to the right with the later photograph below.



CTC Grandchildren's Album

The photo portrait of SMC now hangs in the 786 Delaware Library. The landscape painting was done by Merrell Clement as part of his architectural training. The wooden chair is "Uncle Ozias' Chair," referring to Stephen Mallory Clement's brother. It may be the chair that was made from wood salvaged from the iconic Yale Fence: wood from its partial removal was sold to alumni.

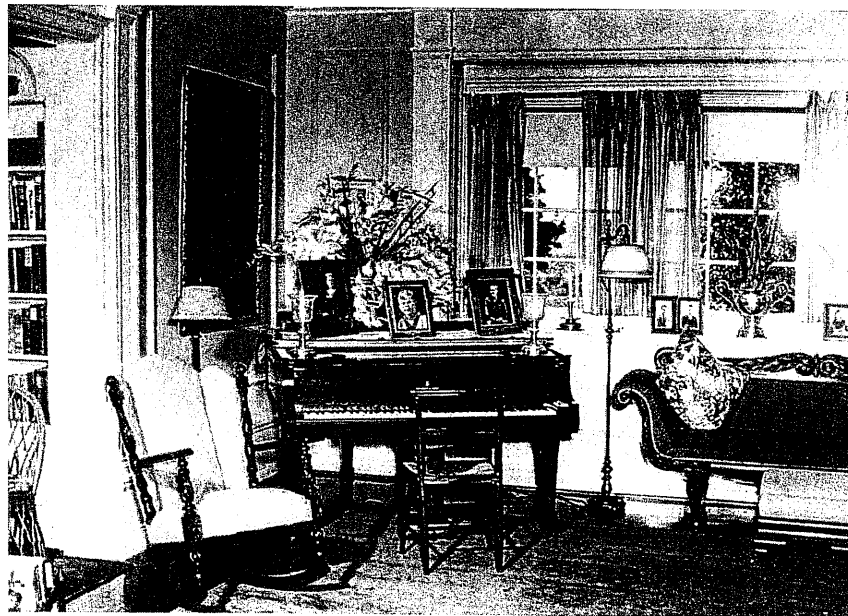
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Xerox CJC/SMCIII Album

The Living Room. The three windows face west, and are visible in the Front Porch photo.

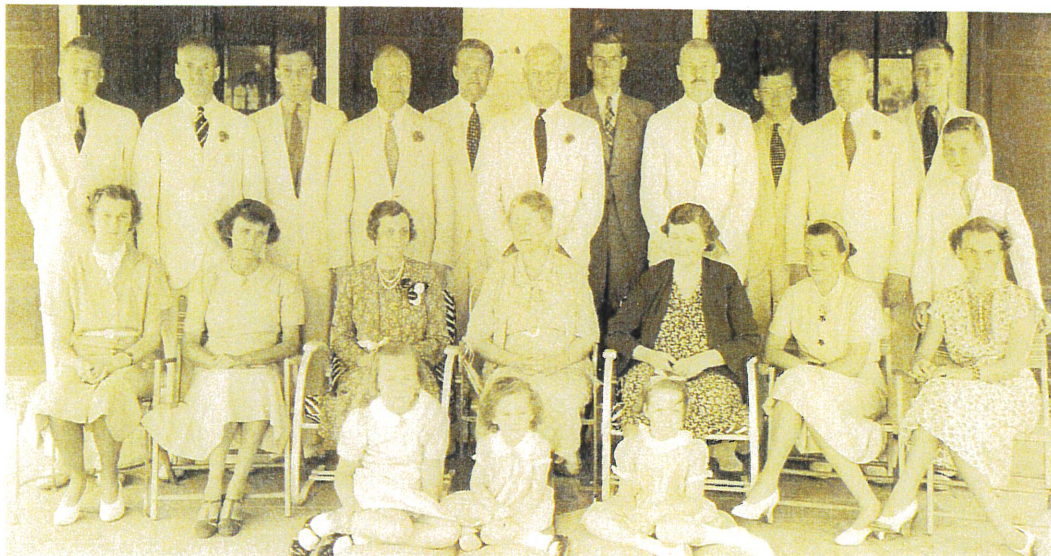


CTC Grandchildren's Album

A later photo of the Living Room. On the piano are photographs of CTC, Stevie Merrell, and Gordon. Stu & Pres are on the window sill, along with Petie. Another of Merrell's garden fantasy paintings hangs behind the piano.

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HTC Album

Grandma Clement's 75th birthday, 19 July 1936
Norman, Jr, Stuart, Sr., Stuart, Jr., Norman, Sr., David, Alexander Tener, George Tener II, Merrell,
Harold, Jr., Harold, Sr., S. Prescott, Laurence
Patricia/Carolyn, Margaret B, Margaret H., Carolyn Tripp Clement, Jean D., Constance A., Marion
Claire, Constance2, Mary Bush.

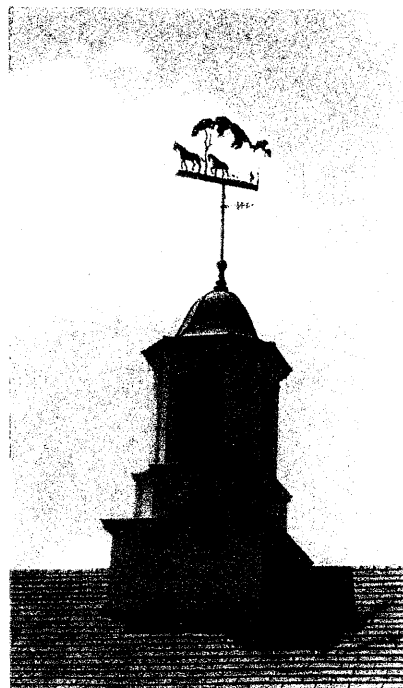
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CTC Grandchildren's Album

The stables/garage with Merrell's revised cupola. The chauffeur, Bates, lived in the apartment to the right. There was a machine shop to the left and six car bays in between.



Peter Clement c.1970

The stable's charming plowman weathervane.

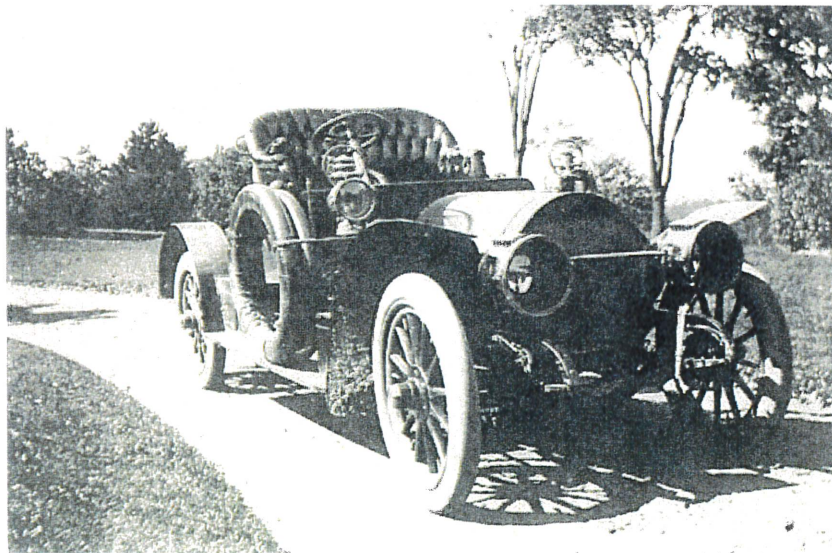
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SMC1 Strongbox

An early use of the term automobile. The horses are looking a little thin.



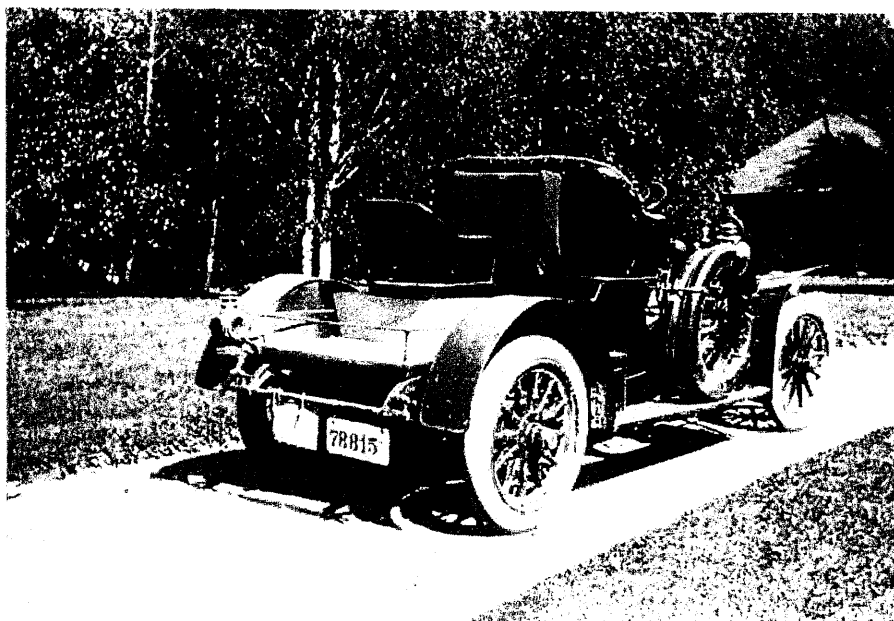
HTC Album

A later application: Stephen M. Clement's Locomobile c.1905. George Tener recalled the car preserved "beneath its caul of gauze" in the garage.

Harold Clement's 1905 diary: "Mon. Apr. 3rd: Stuart's birthday. Stuart got his presents before breakfast. Merrell went for a ride in Raymond Albright's Locomobile. *Father ordered a Locomobile for us.* He & Merrell went to Pennsylvania to see some ore mines."

Stephen Clement¹, Frederick Clement², Stephen Mallory Clement³, Stephen Merrell Clement⁴, Norman, Edith, Merrell, Harold, Marion, Stuart⁵

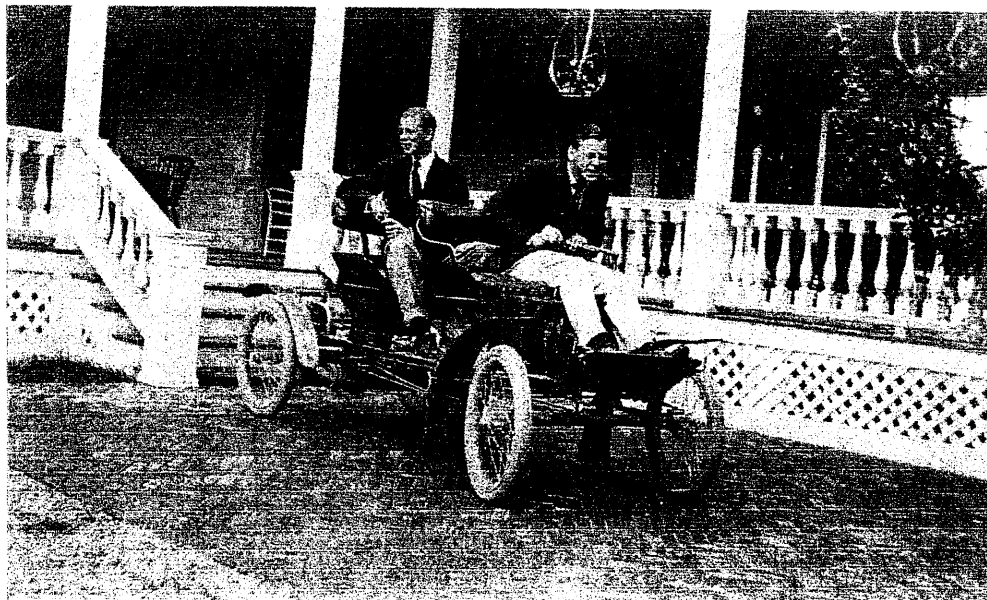
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HTC Album

The Locomobile.

Harold Clement's 1905 diary: "Thu. Jul 13th: *The new car arrived.....*"

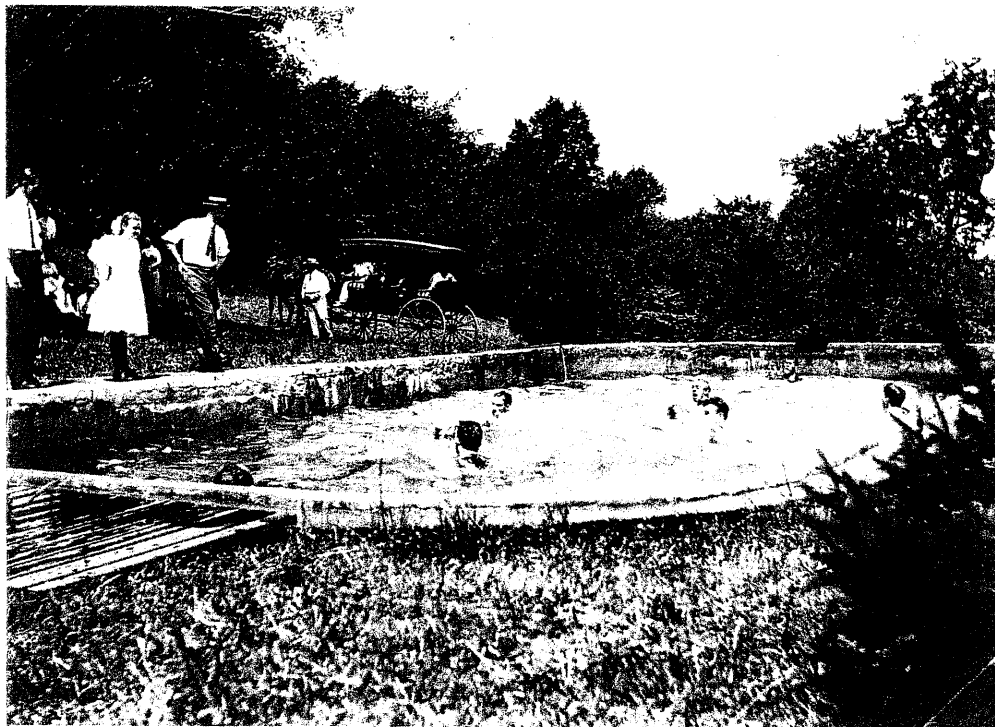


HTC Album

Merrell & Norman in the Orient Buckboard, which was said to be one of the first automobiles in Buffalo. Steered with a tiller, it was a very close cousin of the horse-drawn buckboard. HTC recalled making their own license plate: white patent leather, with silver numbers. To their right is a back porch, and beyond it, the porte-cochere.

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Marine Bank Outing Album

The Old Pool was set near the Long Drive, as pools weren't yet seen as an ornament, and for good reason: the pool was filled by rain water, it had no filtration, it featured satiny green walls and was home to as many toads as swimmers. SMC2 is seen silhouetted against the horses. Harold is under the diving board, and Marion stands by the pool edge. The occasion was a retirement picnic honoring Frank Jewett, an employee of the Bank.



HTC Stereoptican

SMC and friend pitching hay in front of The Homestead. Under similar circumstances he was struck by a heart attack, signaling a two-year battle with heart disease.

*Stephen Clement¹, Frederick Clement², Stephen Mallory Clement³, Stephen Merrell Clement⁴,
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Elmhurst,
East Aurora, N.Y.

My dear friends,
Mr + Mrs. Edward Michaels,
Remembering with great
pleasure the happy time
I had with you a year
ago, permit me to send
you my year old thanks
with the most cordial
greetings and best wishes.
I am feeling quite well
and we are all enjoying
our family visit together.
We all think and speak
of you and your guests to
day. We have the pleasure

HTC Album

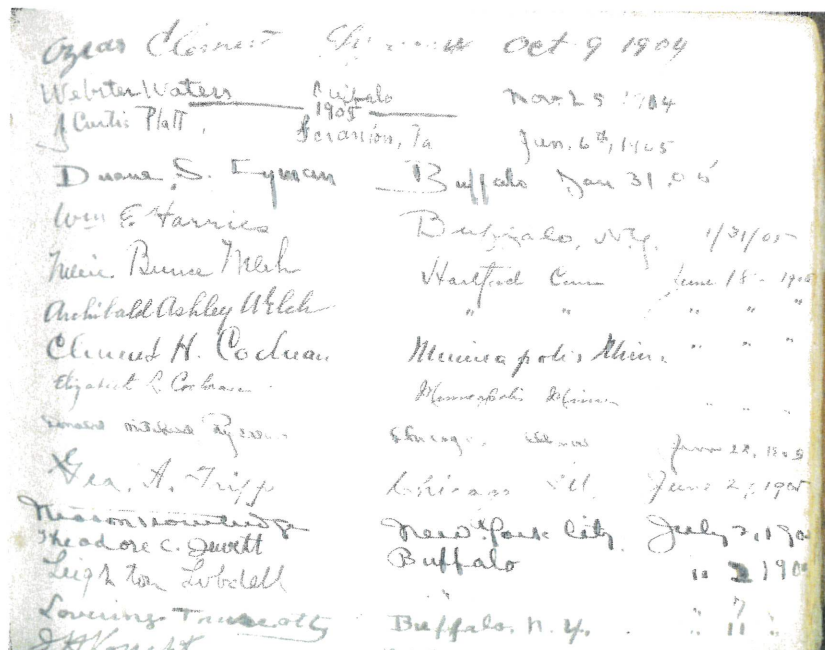
A 1904 letter from Augustus F Tripp to the Edward Michaels, neighbors on
Delaware Avenue of AFT & both Stephen Clements.

Stephen Clement¹, Frederick Clement², Stephen Mallory Clement³, Stephen Merrell Clement⁴,
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HTC Archive

Norman Clement enlisted his brothers in the task of building a Clubhouse in the woods, south of the Long Drive. The guest book was made by the Roycrofters, in East Aurora. It was covered with Lincoln Green suede, and bound with rawhide. The pages were made of blotting paper, so the signer had to be quick about it.



HTC Archive

Note Uncle Ozias' visit. Curtis Platt was a roommate of Merrell's, and a client for a beautiful house in Waverly, PA. Geo. A Tripp was Grandma Clement's brother, who ran the Sidney Shepard Co., in Chicago.

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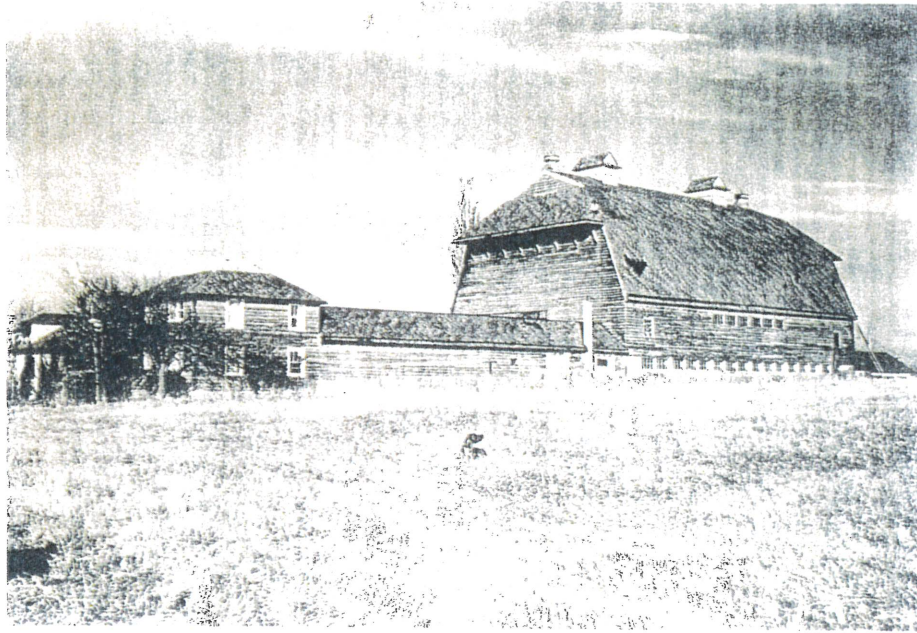


Peter W Clement c.1969

The Homestead was sold after Grandma Clement's death in 1943. The new owner removed the original north (left) portion of the house, making it more symmetrical, and presumably more manageable. The Collie (not Laddie) arrived, unbidden, to dress-up the photograph.

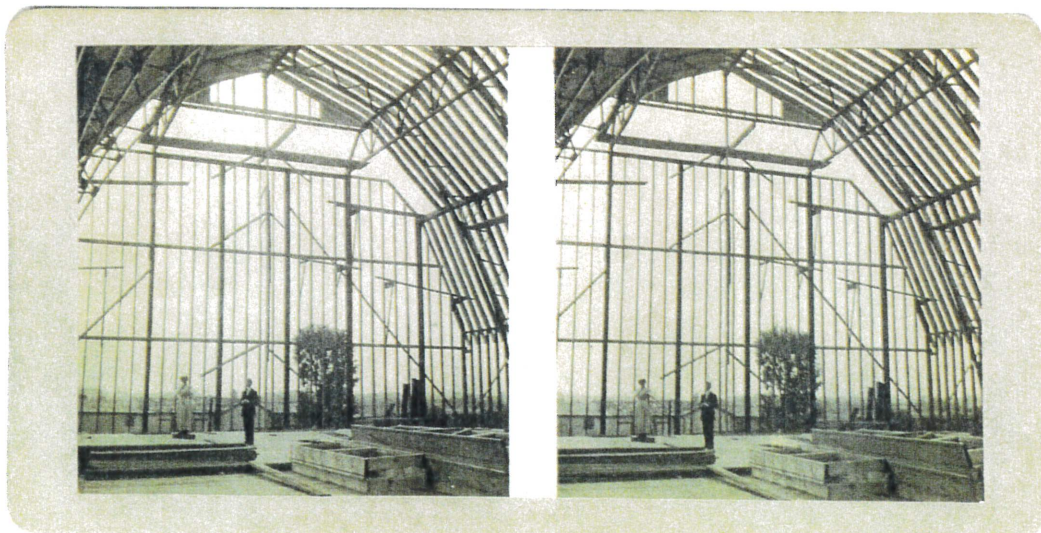
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East Aurora Historical Society

The Elmhurst Special Milk Co. barn, at the corner of Mill & Beech Roads, designed in 1912 by Edward B. Green, the designer of 786 Delaware Ave. It measures 100' long, 70 feet wide, and 60 feet high. Sometimes known as the air barn. ESM Co. produced Certified Milk, in the days before pasteurization: the walls of the milking area were whitewashed once a week, and the cows were sponged-down before milking. Elmhurst Special Milk was shipped as far away as Japan.

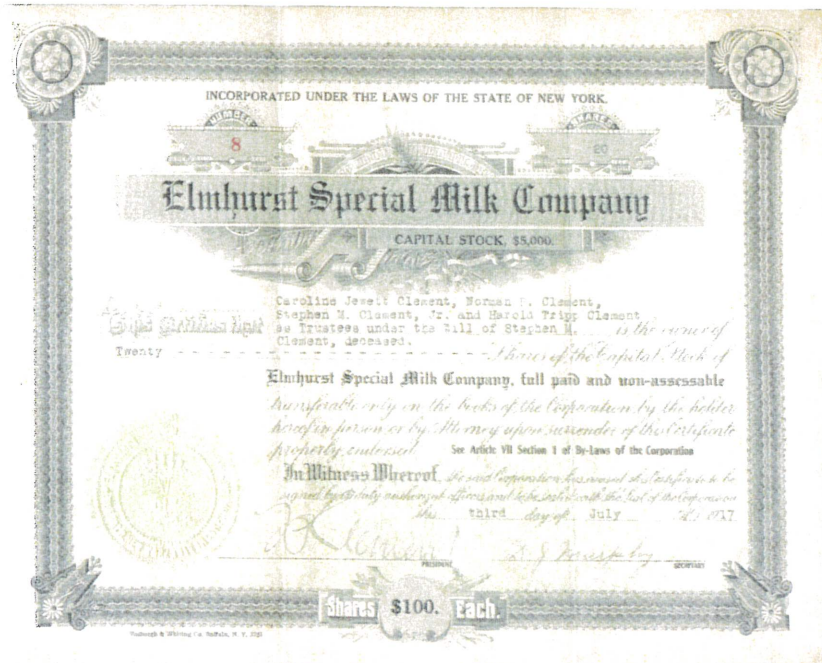


HTC Studio Photos

A stereopticon slide of the barn under construction.
When viewed through a stereopticon viewer, the image is seen in 3D.

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ELMHURST / THE HOMESTEAD
 EAST AURORA, NY
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SMC1 Strongbox



SMC1 Strongbox

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 EAST AURORA, NY
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THE LAW of the STATE of NEW YORK
 Requires That

CERTIFIED MILK

must bear the certification of a Milk Commission appointed by the County Medical Society; it must be free from preservatives, pathogenic bacteria and bacteria in excessive numbers

All milk sold as Certified Milk must bear the Commission's Name

Our Certified Milk

is produced at East Aurora upon S. M. Clement's farm "Elmhurst," certified by the Pure Milk Commission of the Erie County Medical Society.

A Perfect Milk for Invalids and Children

Sold in quart bottles at 12 cts. per quart.

WALKER BORDEN
 FACTORY CO.

THE DAIRY CO.

100 N. 31. and Massachusetts Ave.

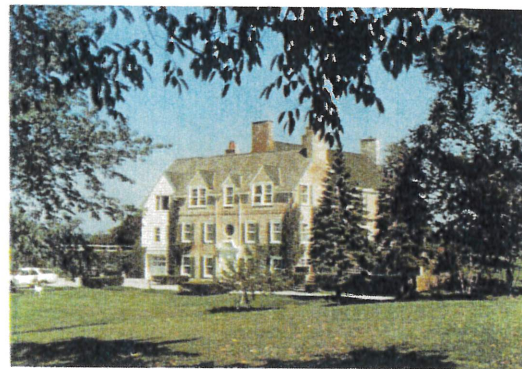
Every Bottle
 is dated
 Orders must
 be received
 24 hrs
 in advance of
 delivery

East Aurora Historical Society



SPBC

Meadowridge, Norman P. Clement house,
 East Aurora, NY, additions by
 S. Merrell Clement



Peter Clement

Harold T. Clement house, Porterville Rd, Elma, NY
 designed by S. Merrell Clement, 1928

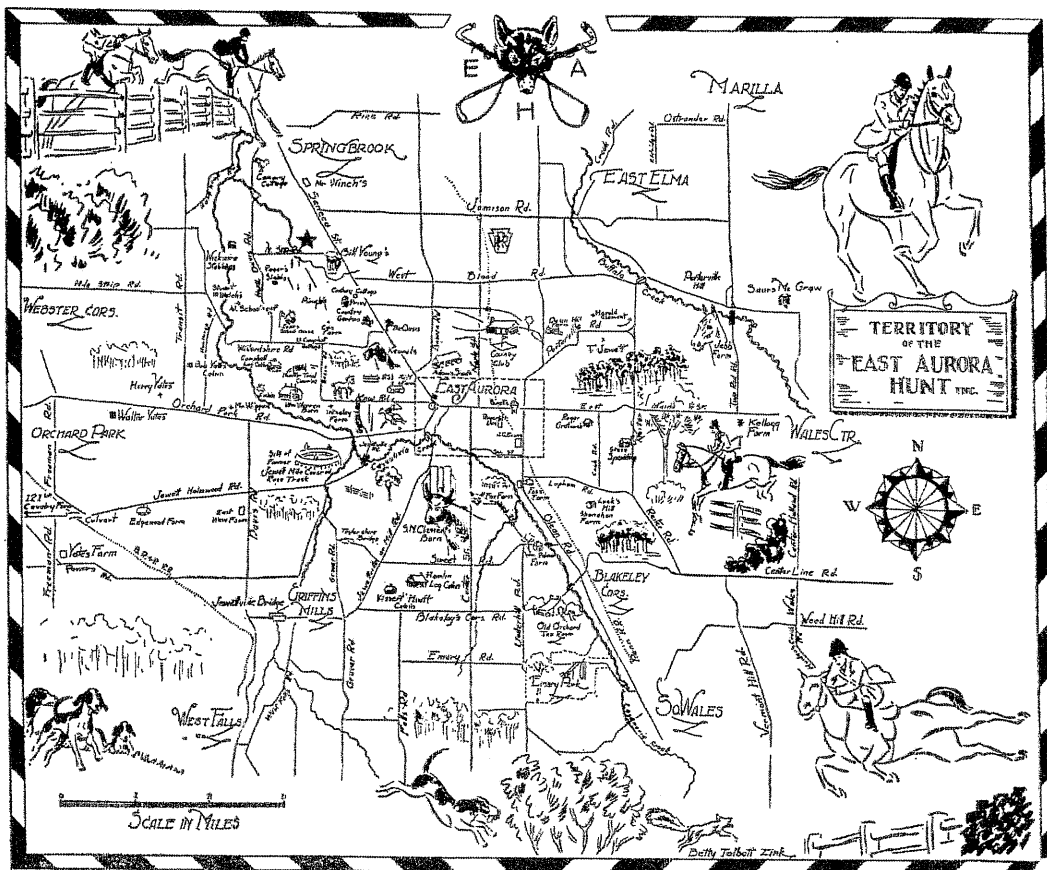


House Beautiful 1933

Stuart H. Clement house, Porterville Rd, Elma, NY,
 designed by S. Merrell Clement, 1930

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ELMHURST / THE HOMESTEAD
 EAST AURORA, NY
 Part 2



HTC

The East Aurora Hunt map. "S.M. Clement's Barn," and ornery-looking bull, was a landmark. "Harold Clement," on Porterville Rd, is opposite "T. Jewett." Stuart Clement's house was next to the Jewett house.

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