

Appellate judge temporarily halts work on Carleton Island campground

Times staff report

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The historic Carleton Villa on Carleton Island is the subject of a redevelopment proposal and of litigation in state Supreme Court. Watertown Daily Times

CAPE VINCENT — A state appellate judge on Friday temporarily halted work on a proposed campground on Carleton Island after the Thousand Islands Land Trust claimed the work potentially violated a conservation easement and other restrictions that run with the land.

TILT filed a request for a preliminary and permanent injunction Wednesday in state Supreme Court that would prevent property owner Carleton Villa LLC and its principal, Ronald Clapp, from taking any steps to carry out a development plan that includes a campground that Clapp proposes would be created in conjunction with plans to restore the historic Carleton Villa on the island.

TILT, which owns property adjoining Carleton Villa LLC's property, claims in its action that it was granted a conservation easement and a declaration of restrictions that was created in 1986 by the former owner of the property, Patten Corp. Northeast. The conservation property includes the entirety of the villa property and TILT's property.

According to court documents, the conservation easement establishes that “portions of the (property) remain in a substantially undisturbed natural state and have significant woodland, wildlife, and aesthetic values.” The easement is intended to preserve and protect, in perpetuity, the natural elements of the property and “maintain its vegetative cover,” among other terms.

TILT contends that several aspects of Carleton Villa’s site plan submitted to the town, including 12 proposed cabins, would violate the easement. TILT says that on Tuesday representatives of its organization visited the site and observed representatives of Carleton Villa “cut down or destroy a significant amount of vegetation” on the villa property. Heavy machinery was photographed removing vegetation.

TILT sought a temporary restraining order to immediately halt any additional work as it moves for a declaratory judgment ruling that the development would violate the easement and other restrictions.

The case was assigned to Judge William F. Ramseier, who recused himself for unspecified reasons. The case was reassigned to Judge Gregory R. Gilbert, who typically presides in Oswego County, although Supreme Court justices serve statewide. Gilbert on Wednesday scheduled a show cause hearing for April 26 to provide Carleton Villa and TILT an opportunity to argue why a temporary restraining order should or should not be granted.

TILT appealed that ruling and the matter was referred to Judge Scott J. DelConte, an associate justice with the state Appellate Division, Fourth Department, who on Friday granted a temporary restraining order. Judge DelConte indicated in his ruling that once he had the opportunity to review Carleton Villa’s opposition to TILT’s request, he would determine whether oral arguments would be scheduled before making any other decisions on TILT’s application.

However, by late Friday, with Judge DelConte’s order in place, a court notice was filed indicating that the case has been transferred to Judge James P. McClusky for all further matters.