

Judge hears arguments from Carleton Villa reps, Land Trust regarding villa project

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Property owner Ron Clapp is standing near an excavator on his Carleton Island property. Contributed.

CAPE VINCENT — The fight over the use of the historic Carleton Villa and the land around it on Carleton Island continued in court Friday morning.

State Supreme Court Judge James P. McClusky, Fifth Judicial District, heard arguments from each side of the aisle regarding an injunction filed by the Thousand Islands Land Trust against Ronald Clapp, owner of the Carleton Villa.

Clapp, from West Palm Beach, Florida, purchased the property in July 2022 and hopes to turn some of the area around the villa into campgrounds/glamgrounds. He has said he would use money from the campgrounds/glamgrounds to pay for the renovations on the villa.

The plans call for 13 guest rooms in the main villa and 12 cabins for camping/glamping.

TILT, which owns property adjoining the villa, claims in a lawsuit that it has a conservation easement and a declaration of restrictions created in 1986 by Patten Corp. Northeast, the former owner of the property. The conservation property includes the entirety of the villa property and TILT's property.

TILT claims that Clapp did some land clearing earlier this month, using heavy equipment, violating the easement terms.

When the suit was filed, Jake Tibbles, executive director of TILT, claimed that a preliminary assessment showed that roughly 90-95% of the understory and 30-35% of trees on the property were cleared.

The understory is vegetation, brush, or anything smaller than a typical tree.

Tibbles said that under the terms of the Carleton Island easement, the landowner must give TILT a 30-day notice before doing excavation or clearing work. There was no notification, he said.

Julian B. Modesti of Harris Beach LLC represents Clapp. Phillip A. Oswald of Rupp Pfalzgraf LLC represents TILT.

TILT also claims that the villa's plans, including 12 proposed cabins, would violate the easement.

Oswald said in court on Friday that the injunction allowed for basic property maintenance.

"Basic property maintenance doesn't involve excavators," he said.

Oswald further said no price tag can be placed on the environmental assets.

"They are priceless," Oswald said.

Clapp was not in attendance at the court proceedings.

Modesti argued that the underclearing work was done, and the equipment had been removed.

"It's not going to be repeated," he said.

Modesti also argued that the area cleared could be restored and mature trees were not destroyed, saying that photographs taken of the clearing look worse than what was actually cleared "because we're in mud season."

Oswald argued that restoring the damage would take decades and that some of it is irreparable.

Modesti said they are being asked to subscribe to an injunction "that we believe is invalid." He added that the easement is overly restrictive but does not include villa property maintenance activities that are already complete.

Oswald claimed the easement violations include a lack of a 30-day notice to bring heavy machinery on the island, a shoreline buffer violation, and vegetation clearing. He also said that drone photos prove how much was cleared.

Modesti claimed that Tibbles and Spencer Busler, TILT's assistant director and director of land conservation, were on the scene when the clearing was done and if there was an issue, they should've brought it up then.

Oswald claims that TILT is "trying to avoid further litigation" and more damage to the island.

Residents have been highly vocal in expressing their concerns at multiple Cape Vincent Town Planning Board and Zoning Board of Appeals meetings, citing fears of fire and emergency access and the potential for property values to decrease.

Oswald said that TILT plans to be back in court if an injunction is not granted.

Judge McClusky said a decision on the injunction would be made within two weeks, and the temporary restraining order pausing any work, entered by the appellate court, would remain in effect.

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