

TILT amends legal complaint over Carleton Island project

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A before and after photo of what the Thousand Islands Land Trust says is clearing out of many trees and understorey on property on Carleton Island. Provided photo

CAPE VINCENT — The Thousand Islands Land Trust has amended its legal complaint against the developer of a proposed campground on Carleton Island to assert riparian and underwater rights that TILT claims along the shoreline of the St. Lawrence River.

TILT is seeking a permanent injunction in state Supreme Court to prevent Ronald Clapp, owner of the 6.9-acre Carleton Villa property, from clearing or excavating land as he works toward his intended plan to build 12 cabins and a bathhouse for camping, several hundred feet of docks and later restore the villa.

The trust, which owns an adjacent property, claims that a conservation easement and declaration of restrictions it was granted in 1986 encumbers the villa property, limiting its development and preserving its natural environment. The easements and restrictions were developed by the former St. Lawrence-Eastern Ontario Commission in 1986 as Patten Development planned to subdivide the island for low-impact, single-family residents on minimum lots of five acres.

TILT filed suit April 10 seeking a temporary and permanent injunction after it contended that excavating work had begun to clear trees and other vegetation in violation of the deed restrictions. In a May 20 ruling, Judge James P. McClusky said TILT's reading of the easement was too broad as it pertains to the entire villa parcel, but that there are significant limitations contained in the easement regarding development within 100 feet of the shoreline.

He granted a temporary injunction barring Clapp from doing any work on the property within 100 feet of the shoreline without written approval from TILT or further order of the court.

On Thursday, TILT filed an amended complaint asserting riparian, underwater and bottom rights in the island's north and south bays that were not noted in its initial complaint. It argues that development of these areas would include the expansion of a beach, construction of a boat dock and the anchoring of a floating dock to the river bottom would infringe upon its conservation easement rights.

The amended complaint also amplifies TILT's concerns regarding the type of structures that are being proposed for cabin use. It claims that its declaration of restrictions forbids the placement of mobile or temporary structures used for living accommodations within the conservation property.

TILT contends that a photo of the proposed cabins in a site plan submitted for the project appear to be of “mass-produced and pre-built” cabins that would be constructed on skids to allow for transportation to the island.

TILT says it believes the plan would be to place the cabins on gravel or concrete pads, rather than permanently affixing them to a foundation.

“This method of installation would render the cabins non-permanent and easily relocatable, further blurring the distinction between the proposed structures and the mobile homes prohibited under the Declaration,” the amended complaint states.

The developer has 20 days from Thursday to file an answer to the amended complaint.

The project has drawn severe opposition from the owners of the remainder of the 1,400-acre island. A group, the Friends of Carleton Island, formed in December to discourage the town of Cape Vincent from approving special-use permits and zoning variances to allow for commercial development on the island. The group has grown to include members of the Cape Vincent community who reside on mainland.