

Carleton Island ruling appealed

Times staff report

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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 owners of a proposed campground on Carleton Island plan to appeal judge's ruling in May that limited the scope of work that can be done on the project as litigation is pending.

Carleton Villa LLC and its principal, Ronald Clapp, own a 6.9-acre parcel on the St. Lawrence River island that includes the dilapidated Carleton Villa, which Clapp wants to restore. Plans also include the construction of 12 cabins and a bathhouse for camping, along with several hundred feet of docks.

The Thousand Islands Land 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.

The trust filed suit in state Supreme Court in April 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.

The judge 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 Wednesday, Carleton Villa and Clapp filed a notice of appeal of that ruling to the state Appellate Division, Fourth Department.

Since Judge McClusky's ruling in May, TILT has amended its complaint to assert riparian, underwater and bottom rights in the island's north and south bays that were not included as causes of action in its initial complaint.

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 and that the proposed structures would be in violation of these restrictions.