

Names of letters sent to ZBA and Planning Board re: Carleton Villa, LLC

Christine and Adrian Martin

Todd Atkinson

Ian Golden

Michael Comerford

Stephen Sabo

Jim McQueeny

Carol Thomas

Jana McDonald- representing Philip and Yelena Argersinger

Lois and Sam Giamber

Emily Waterman and Even Farrell

Charles Millar

Julia and Niklas Searles

William Kernan III

Maura Kernan

Michael and Jane Falvey

David Kernan

Andrew Bott and Christine Sebor

Phillip Oswald- representing TI Land Trust

Kendra Beaven, Mark Beaven, Angela Kernan Wisler, Russell Wisler

Leanne and Steven Waterman

Katherine Kernan

Karli Foster



Sharon Nebbia <turnerssharon1974@gmail.com>

FW: Carleton Villa objection

2 messages

eah@tds.net <eah@tds.net>

Wed, Nov 29, 2023 at 6:20 AM

To: Cstevenson.ceis@yahoo.com, mike nebbia <nebbiasm@gmail.com>, turnerssharon1974@gmail.com, Steve Docteur <sr6doc@hotmail.com>

Some reading before the meeting

Ed

From: Cody Higgins <codyh32686@gmail.com>**Sent:** Monday, November 27, 2023 6:36 PM**To:** eah@tds.net**Subject:** Fwd: Carleton Villa objection

Sent from my iPhone

Begin forwarded message:

From: CHRISTINE AND ADRIAN MARTIN <christineandadrian@msn.com>**Date:** November 27, 2023 at 5:08:45 PM EST**To:** codyh32686@gmail.com**Subject:** Carleton Villa objection

Hi Cody,

Please share with the board how upset we are about the proposed change in zoning at Carleton Villa. We bought our property almost five years ago after searching for our retirement home away from home in CO. We loved the quiet and spacious nature of the island and its pristine views. We have come for as much of every summer on the island as we can. For the the past three summers, we have spent the entire season, from May to October, on the island. In fact, we forego all other travels options during the summer because we hate to be away from this unique and special place.

We have found a better sense of community than anywhere we have ever lived. This is a strictly residential and private island. Neighbors frequently socialize and help each other in times of need. People annually celebrate Canadian Thanksgiving together at the Miilar's on the head of the island. That said, we also respect people's love of the quiet and solitude on the island, and are careful not to invade one another's space. We chose to live in a place with a minimum 5 acre lot so we could enjoy the peace and quiet and the beautiful wild nature of this special place. This is an island where properties are bound by an easement to the Thousand Islands Land Trust (TILT). We chose to buy property that protects the character and nature we found here.

At a gathering a few years ago many of us went around in a circle to say what we loved about the place. Common themes were the quiet, the birds, and the wild animals. It is a place of baptisms in the river and burial grounds. It is history.

Typically the biggest complaint heard on the island is when visitors or young people go racing around on their ATVs. That reckless behavior caused a major accident resulting in injury and medical evacuation a few years ago. Such visitors also are not respectful and ruin our roads when the trails are wet. They also leave

the shared trails spreading Swallow Wort which TILT and many residents have worked countless hours over many years to control. I can't imagine what would happen if Ron's campground guests get access to motorized vehicles. Even on foot they wouldn't be expected to stay only on his 6.9 acres, but would roam unhampered across our private land. On top of that, who would be there to protect what is left of Fort Haldimand? TILT owns and manages it, but does not have staff to protect what remains there.

It is very upsetting that Ron Clapp has requested a change in zoning that would upset the nature of this community. With requests 46 camping spaces (perhaps we could assume approximately 150 guests at a time), in addition to the 150 people he expects at the Villa with the restaurant and B&B, there will necessarily be a huge increase in boat traffic and dockage. The ground and water under South Bay is uniquely owned by deeded residents surrounding it, including ourselves. This is very unusual, as most waterways are not privately owned. We are worried about how his plans will infringe upon our water rights. We are very concerned about how this will impact swimming, fishing and other enjoyment of the water there. I personally swam over 100 days in the bay last season.

I am also very concerned about to the wildlife on the island. Ron has already shown disregard for the local flora and fauna when he cleared the whole waterfront where a beaver lodge was situated. We have bobcats, coyotes, deer, eagles, heron, and many, many more species. I can't imagine what such a volume of revolving guests would do to the local ecology.

We were saddened when he cut down the old Maiden's Blush heirloom apple tree that had been providing the most wonderful pies until then. I do realize his use of his own private property should be respected, but I am not sure that he didn't violate existing local and DEC rules about waterfront development.

Mr. Clapp suggests that there have been other commercial establishments previously accepted on the island. However, the hunt club he references is a small group of friends privately sharing the lodge. It is not commercial. The same families have been involved for generations. He also references the house on the head of the island that had been run as a commercial lodge in years gone by. That was a much smaller venture than what he is proposing.

We further find it troubling that he has petitioned for this change when no one is in residence during the winter. I guess he realizes he wouldn't have to face his neighbors as he plans to call in from FL, and most of us reside too far away to show up in person.

At this rate, we no longer support any change to commercialize the Villa. If allowing any commercialization on the property opens the door for his other plans, we are very strongly against it. We would be more than happy to attend a Zoom meeting or other remote public commentary meeting. Please keep us advised of any further action.

Sincerely,
Christine and Adrian Martin

Sent from my iPhone

Sharon Nebbia <tumerssharon1974@gmail.com>

Thu, Nov 30, 2023 at 7:41 PM

To: Ed Ponto <edponto@hotmail.com>, Frank Giaquinto <docfjg@aol.com>, Harvey White <harveywhite64@gmail.com>, Karen Bourcy <kbourcy@lds.net>, Noel Bonvouloir <nbouvo@gmail.com>, Shannon Featherly <dnsfeatherly@gmail.com>

[Quoted text hidden]

To: Cody Higgins (via email codyh32686@gmail.com)
From: Todd Atkinson
Re: Cape Vincent Zoning Board – Special Use Permit Application
Date: November 27, 2023

Dear Cody,

I've just learned of the Special Use Permit Application submitted by Ron Clapp c/o Carleton Island LLC with respect to the Carleton Island Villa lot.

The proposed use appears entirely inconsistent with the current land uses on the island, all of which are private and residential.

Mr. Clapp's references to hunting lodges and other public uses appears misleading. The one "hunting lodge" on the head of the island is a private residence and has no commercial activities. Years ago, the Riverhead Lodge operated on the head of the island in a larger residence and lodged no more than 8 guests at a time, all of whom were guests of the lodge and supervised closely.

Many, many years ago the island had a British fort, a British shipbuilding facility, farms and a school house, but in modern time the island has been used only as private residences, the majority of which are on more 5 acres and 300 feet of waterfront.

Mr. Clapp's proposal is to have 46 campsites on less than 5 acres, so perhaps as many as 150 occupants on a 5-acre parcel. Mr. Clapp also proposes to reconstruct the Villa for use as a restaurant and bed and breakfast, a project many consider infeasible, so most likely the Villa waterfront would become only a lounging area for campers. All of this is entirely inconsistent with the current land uses on the island.

Mr. Clapp also proposes to develop the North Bay, an area recognized for its historic significance.

How such a use of the Villa lot would benefit the broader Cape Vincent community is not immediately obvious. Would Cape Vincent collect an occupancy tax sufficient to offset the diminished value of surrounding properties? Would the new town docks and parking areas be filled with island campers who spend little in the village? Would boat ramp fees and marina gas sales warrant such a use of the island? Would the real estate taxes realized on the proposed improvements be substantial, and offset loss of revenue by shore-based accommodations and restaurants, as well as the diminished value of other island properties?

If the Board intends to give consideration to this proposal, conditions on the permit should be considered and included to protect the interests of the many other island residents. A few that come to mind are:

1. Mr. Clapp should be required to prepare and present plans for how the safety of all guest and campers will be assured, how they will be transported to and from the island, how they would be accommodated and transported in the event of severe weather, how trespass and damage to other island properties will be prevented, etc.
2. Mr. Clapp should be required to take all reasonable actions to prevent the remaining Villa structure from being an "attractive nuisance", i.e., restricting access, and limiting and supervising all construction activities.
3. Mr. Clapp's use of North Bay and South Bay should not be disproportionate to other land owners' use and should not interfere with other landowners' quiet enjoyment of their waterfront property. More specifically, the size of the docks Mr. Clapp intends to build, and the number of boats visiting those docks, should be expressly limited.
4. None of the improvements intended by Mr. Clapp should impede the existing rights of way across the Villa lot and adjoining properties.
5. Mr. Clapp should be required to erect a substantial perimeter fence that prevents campers and guests from trespassing on adjoining properties.
6. Campers and guests should not be permitted to bring motor vehicles or pets to the island.
7. Campers should not be permitted to have open fires on any of the campsites.
8. Garbage and refuse should be collected and removed from the island daily, all in a manner that does not create a public nuisance.
9. The facilities constructed for toilets and showers should conform to all Cape Vincent building and sanitation codes, as well as the standards maintained at NY State Parks.
10. Mr. Clapp should be required to maintain a supervisory / security staff to oversee the camping facilities 24/7 and should post a bond for any damage or nuisance caused by guests or campers to adjoining properties.

I'd welcome the opportunity to discuss the foregoing concerns with you at your convenience.

Sincerely,

Todd G Atkinson
Owner of Lots 28-1-1.2 and 28-1-1,727
(402) 305-9811



Sharon Nebbia <turnerssharon1974@gmail.com>

FW: Concerns Re: Villa Variance Request

2 messages

eah@tds.net <eah@tds.net>

Wed, Nov 29, 2023 at 6:24 AM

To: Steve Docteur <sr6doc@hotmail.com>, turnerssharon1974@gmail.com, mike nebbia <nebbiasm@gmail.com>, Cstevenson.ceis@yahoo.com

More

Ed

From: Cody Higgins <codyh32686@gmail.com>**Sent:** Tuesday, November 28, 2023 10:24 AM**To:** eah@tds.net**Subject:** Fwd: Concerns Re: Villa Variance Request

Sent from my iPhone

Begin forwarded message:

From: Ian Golden <iangolden@gmail.com>**Date:** November 28, 2023 at 9:41:53 AM EST**To:** codyh32686@gmail.com**Subject:** Concerns Re: Villa Variance Request

Cody,

I hope this email finds you well. While I'm unable to attend Monday's meeting in person or via proxy, I would like to express concern with and opposition to the C/Glamping portion of Mr. Claop's Villa Proposal being considered. While I wish him luck and success in restoration of the Villa, and joining the Carleton Island and larger Cape Vincent community, I don't know that the proposed camping portion respects the intentional zoning and current land use that, at least for our family, recently drew us to Carleton Island. I believe there are significant concerns re: said use with regard to health, safety, economic and physical impact w/ infrastructure requirements, and quality of life, that are shared by many on the Island. I am in the communication loop with others, and while I could try to come in with a unique vantage point, ultimately my concerns are many of their concerns. With a lot on my own work and life plate at the moment, and in respect of your time, I'll be more efficient in saying that I concur w/ the sentiments and reservations already, or which will be, put forth by Todd Atkinson.

Thanks for the time and consideration,

Ian Golden

Owner, Carleton Island Parcel 28.00-1-1.93



Sharon Nebbia <turnerssharon1974@gmail.com>

FW: Carleton Island Villa Rezoning Request

1 message

eah@tds.net <eah@tds.net>

Wed, Nov 29, 2023 at 6:10 PM

To: Cstevenson ceis@yahoo.com, mike nebbia <nebbiasm@gmail.com>, turnerssharon1974@gmail.com, Steve Docteur <sr6doc@hotmail.com>, darrelaub@gmail.com, wrdes61@gmail.com

From: Cody Higgins <codyh32686@gmail.com>
Sent: Wednesday, November 29, 2023 8:18 AM
To: eah@tds.net
Subject: Fwd: Carleton Island Villa Rezoning Request

Sent from my iPhone

Begin forwarded message:

From: Mike <mmin07@aol.com>
Date: November 28, 2023 at 7:32:34 PM EST
To: codyh32686@gmail.com
Subject: Carleton Island Villa Rezoning Request

Cody Higgins

Town Zoning Official

Codyh32686@gmail.com

Dear Cody,

My name is Michael J. Comerford and my wife Eileen and I have owned property on Carleton Island for 25 years. One of the big reasons we bought on Carleton was because of the zoning and the Conservation Easements that help to preserve and protect the natural beauty and environment of the Island.

Finally, why the rush to judgement so quickly and during the Holidays when seasonal residents are not there to voice their concerns?

For the reasons enumerated above, as well as many other concerns that have yet to be articulated, I formally request the Town to postpone this hearing until all the stakeholders (including environmental organizations) have any opportunity to fully understand and present their case to Town officials. There is no legitimate reason to acced to the developer's request for a rush to judgement via a "Special Use Permit" process for the Carleton Villa. Whatever is done should be done in the full light of day with a clear understanding of the ramifications that will impact the Town and all other stakeholders.

Please present have the wisdom and courtesy to postpone this important proceeding until all stakeholders have adequate time to let their concerns and voices be heard.

I would appreciate you presenting this letter to both the Town Board and the Planning Board

Sincerely,

Michael J. Comerford

Sent from my iPad



Sharon Nebbia <turnerssharon1974@gmail.com>

FW: Carleton Villa, LLC Proposal

1 message

eah@tds.net <eah@tds.net> Wed, Nov 29, 2023 at 6:12 PM
To: Cstevenson.ceis@yahoo.com, mike nebbia <nebbiasm@gmail.com>, turnerssharon1974@gmail.com, Steve Docteur <sr6doc@hotmail.com>, darrelaub@gmail.com, wedesd51@gmail.com

From: Cody Higgins <codyh32686@gmail.com>
Sent: Wednesday, November 29, 2023 8:18 AM
To: eah@tds.net
Subject: Fwd: Carleton Villa, LLC Proposal

Sent from my iPhone

Begin forwarded message:

From: Stephen Sabo <stephen.sabo@radpartners.com>
Date: November 28, 2023 at 8:30:41 PM EST
To: codyh32686@gmail.com
Subject: Fw: Carleton Villa, LLC Proposal

From: Stephen Sabo <stephen.sabo@radpartners.com>
Sent: Tuesday, November 28, 2023 8:19 PM
To: Harriett M. Sabo <hats915@roadrunner.com>
Subject: Carleton Villa, LLC Proposal

Dear Cape Vincent zoning members:

Our immediate family has had a connection to Carleton Island dating to 1950. My father-in-law was an original member of the Hickory Point Club since its inception in 1950 and enjoyed visiting the island until his death at the age of 96. He was an enthusiastic duck hunter, boater, and sailor. My wife has visited since she was a young child in the early 1960's. The wife and I have owned property on the island since 1994. Many challenges and changes have occurred: High water, Low water, High winds and low temperatures, Zebra mussels, Gobi's, Cormorants, and Swallow Wart. Our family will continue to do the best for the island out of love and respect.

Thus, we cannot support the requested zoning variance proposed by Mr. Clapp. I refer to you the email from Todd Atkinson for a clear set of reasons why. I am most concerned about the septic field requirements to support 150 + persons in an area so close to both bays, the Fort, and the Indian burial ground. Similarly, the island's location makes it an important stop for numerous migrating Warblers and Waterfowl in the Eastern Flyway during both spring and fall. A large increase in the human population on the island would be counterproductive to their safety.

Thank you for your valuable time.

Stephen W. Sabo

To: Cody Higgins (via email codyh32686@gmail.com)

From: Stephan Sabo

Re: Opposition to Special Use Permit Application for Carleton Island Lot #3

Date: December 1, 2023

Dear Mr. Higgins and the Cape Vincent Zoning Board,

I am writing to join a nearly unanimous group of landowners and stakeholders on Carleton Island to express my strong opposition to Ronald Clapp's Special Use Permit application for a 6.9-acre high-density campground/glampground on Carleton Island Lot #3. As a third-generation Carleton Islander, I value the unique beauty, isolation, and low-density character of our island, which this project threatens to disrupt.

Carleton Island was developed in the late 1980s with the express intent of maintaining its natural character and low density. Our community values privacy, space, and the ruggedness that comes from living in a place that is both hard to reach and sometimes dangerous to access. We have a history of self-reliance and community support, crucial given the limited emergency, law enforcement and infrastructure services provided by the town of Cape Vincent.

The proposed development as presented raises significant concerns that I believe should be given careful consideration before the town allows Mr. Clapp to embark on this endeavor.

Emergency Services and Safety: With the nearest fire boat based 13 miles away, The town should consider its plans to provide adequate emergency, fire and law enforcement support to an influx of visitors on the island. At a minimum the Cape Vincent Volunteer Fire and Law Enforcement should have properly equipped boats in the water and maritime trained staff available for response 24 hours a day.

- Is the town of Cape Vincent prepared for a late October mass casualty event when an overloaded and ill equipped boat of Clapp customers washes up on Featherbed Shoal?
- In the Watertown Daily Time, Clapp is quotes as saying "the site will work similarly to an Airbnb". Does this mean that up to 150 visitors will be on the property without any form of supervision? How does the town intend to enforce noise, trespassing and vandalism complaints in a manner that is rapid and not a burden to Island neighbors?
- Who is to provide food and supplies when 150 glampers unexpectedly need to stay a few more extra days due to inclement weather they had not planned for?

Infrastructure and Access: The development poses questions about the strain on both our self-maintained island infrastructure and the mainland infrastructure to support this business.

- It has been mentioned that Mr. Clapp intends to allow his customers to travel off of his property and explore the island. Carleton Island Road #1 and #2 are roads in name only. These ATV trails have no designated location and are maintained at the landowners expense on the landowners property. What types of infrastructure development will the town of Cape Vincent need to embark on to ensure Carleton Island's road systems are functional for the benefit of Mr. Clapp's Island explorers? This should include road improvements, signage and liability considerations.
- How are these campers getting to Carleton Island? A ferry? Their own boats? Does the town of Cape Vincent have adequate docking and parking facilities to accommodate this level of occupancy? Will the town and Mr. Clapp provide ADA accessible piers and accommodations on the Island and the Mainland?

Historical & Environmental Concerns: Carleton Island has gone to great lengths to preserve its natural habitats and historic places. The efforts and shared desires for a protected environment should not be ignored.

- The use of septic tanks for such a large facility on Mr. Clapp's low-lying karst topography lot is concerning. Detailed plans for waste management and environmental protection are necessary.
- Land use on or near any area of historic interest should be taken into consideration during this approval process. This campground is on-top-of and feet away from Ft. Haldimand, the remains of a War of 1812 period shipwreck and 100's of native and British graves. These sites are well documented. Before Mr. Clapp begins construction all State, Federal and Tribal stakeholders should be notified and a proper archeological study of his construction site should be performed before construction begins.

Credibility of the Developer: Publicly available information about Mr. Clapp's past projects raise serious doubts about his ability to successfully manage a development of this scale. On his public Carleton Villa facebook page he actively solicits donations to support his private endeavor and he speaks about his "Home on the Lava" AirBNB project in Hawaii as an example of his development success. A quick review of the VRBO listing

(<https://www.vrbo.com/7281543ha>) for this property has some illuminating reviews that paint a picture of this developments future operational state..

- **Wendy G. Aug, 24 2021 (2/10 Terrible)** "Stay Away! ...You will notice a trend of issue after issue with lots of excuses, and other customers that have had trouble getting issues resolved due to a lack of cell phone coverage. We didn't even get to experience his rude neighbor - just the rude owner."
- **Leo C. Jan 10, 2021 (2/10 Terrible)** "No electricity and threatening neighbor at the door - The place is nice and the location great (even though not the one on Google maps). However the electricity was not working and the neighbor did not want tourists there and got louder and more aggressive as the night went on. He ended up coming to the property door to threaten and insult us. There was no cell reception and the internet was not working as the electricity was off. Awful experience in a nice environment. I advise not staying there for anyone."

In addition, a search for Ronald Clapp on the Palm Beach County Clerk of Courts Website will uncover a history of real estate based bankruptcy that match identifying information provided in this application. (<https://appsqp.mypalmbeachclerk.com/>)

- A detailed plan and funds in escrow should be required for the removal of partially completed docks, infrastructure and the villa site if construction is terminated before completion. Neighbors should not be forced to live next to an abandoned construction site.

Zoning and Legal Considerations: This project seems to be in direct conflict with the Cape Vincent Zoning Code for the Island District. In closing I would like to highlight the definition of this district.

3.7 Island Districts

- *Carleton and Grenadier Islands have historic areas of interest as confirmed by the New York State Office of Parks, Recreation, and Historic Preservation. **As such, land use on or near any area of historic interest will be taken into consideration during the approval process.** This district represents the most distinctive land use zone within the Town.*
- *Residents of the Islands District have a unique property and living arrangement; one that is both unconventional and independent. **Residents do not want or need elaborate infrastructure development.** The land-use plan for this District is focused*

principally on encouraging quality residential development with some capacity for limited, controlled commercial development, for example, restaurant, hotel, bed and breakfast.

The board must consider these concerns carefully, weighing the long-term impact on Carleton Island's community, environment and the dangerous precedent this spot zoning application would unleash if approved. It is crucial that any development aligns with the island's character, the needs of its residents and the intentions of the Zoning Code's authors.

Thank you for considering my perspective on this matter. I hope you can address these concerns at your next zoning meeting.

Sincerely,

Stephan Sabo

4912 Carleton Island Rd #1 & 517 N.Garden St. Lake City, MN



Sharon Nebbia <turnerssharon1974@gmail.com>

FW: Carleton Island.

1 message

eah@tds.net <eah@tds.net>

Wed, Nov 29, 2023 at 6:16 PM

To: Cstevenson.ceis@yahoo.com, mike nebbia <nebbiasm@gmail.com>, turnerssharon1974@gmail.com, Steve Docteur <sr6doc@hotmail.com>, darrelaub@gmail.com, wrdes61@gmail.com

From: Cody Higgins <codyh32686@gmail.com>
Sent: Wednesday, November 29, 2023 10:33 AM
To: eah@tds.net
Subject: Fwd: Carleton Island.

Sent from my iPhone

Begin forwarded message:

From: Jim McQueeny <jim@efkgroup.com>
Date: November 29, 2023 at 9:25:39 AM EST
To: codyh32686@gmail.com
Subject: Carleton Island.

Dear Cody:

My name is Jim McQueeny. Our family has residences in the village of Cape Vincent, the 200-year-old historically recognized Otis Starkey house on Point Street, for 40-plus years, and on Carleton Island for many years as well.

Our family has been committed to graceful and proper development in Cape Vincent, with our own restored house, and the larger community. So much so, that I volunteered to become a board member with the Cape Vincent Local Development Corporation earlier this year. As you know, the corporation has a sterling reputation for probity and expertise in helping to work with elected Cape Vincent officials to guide the economic growth and quality of life within the town and village.

The families on Cape Vincent's Carleton Island share a similar sensitivity.

They have been just as personally committed to the stewardship and future of this historically and environmentally significant part of Cape Vincent. Many of us have worked tirelessly with the Thousand Islands Land Trust, financially supporting their efforts, even partnering with the organization in ceding our waterfront rights and joining environmental mitigation efforts like eradication of invasive and destructive plant species such as Swallow Wort.

Carleton is the first U.S. island of the St. Lawrence "thousand." In effect, Cape Vincent and Carleton are the gateway to the entire region. As such, development of any kind requires open, multi-governmental collaboration, careful technical scrutiny and public participation and transparency.

It came as a shock yesterday to see what appears to be an improperly and insensitively expedited planning board hearing on Monday for new and unsettling aspects of the proposed development at the head of the island.

Carleton families, seasonal as they may be, only found out about the hearing on the application only a couple of days ago.

Just as unnerving is how much the applicant now appears to be back-tracking from what he had initially proposed for this development—at least what he portrayed in press accounts, because there's been an eye-raising paucity of further detail since.

In fact, some changes, like the campground notion, are nothing more than a down-scaling of that original "vision" that raises troubling questions about his technical (or even financial) ability to do the proper, promised restoration.

The infrastructure investments originally proposed, none of which appear to have been formally detailed or discussed with Cape Vincent, the public or island residents, would need to be extensive and no doubt expensive, given the environmental realities of island construction on this scale.

The petition to first allow hundreds of "campers" onto the island seems to suggest the developer needs this meager cash flow at the very outset. Next, will we hear his expedient environmental solution to support this step will be permission to litter the landscape with dozens of Port-a-Johns. Really? Not exactly consonant with the esthetic features unveiled during his press previews.

Nevertheless, I would respectfully suggest the board table this amended application to allow for more reasonable time and notice for all parties to review the technical and environmental ramifications—especially for the island families who must forever live as neighbors with the project. Please consider this email a formal request to do so.

Footnote: Most of the families feel something needs to be done about the deteriorating and potentially dangerous eyesore that is there now. This reaction to the application should not necessarily be viewed as reflexive opposition to a restoration.

Thank you for your consideration.

/James McQueeney/



Sharon Nebbia <turnerssharon1974@gmail.com>

FW: Carleton Island Special Use Permit Application

1 message

eah@tds.net <eah@tds.net>

Wed, Nov 29, 2023 at 6:19 PM

To: Cstevenson.ceis@yahoo.com, mike nebbia <nebbiasm@gmail.com>, turnerssharon1974@gmail.com, Steve Docteur <sr6doc@hotmail.com>, darrelaub@gmail.com, wrdes61@gmail.com

From: Cody Higgins <codyh32686@gmail.com>
Sent: Wednesday, November 29, 2023 12:27 PM
To: eah@tds.net
Subject: Fwd: Carleton Island Special Use Permit Application

Sent from my iPhone

Begin forwarded message:

From: Carol Thomas <ctthomas@claytonmarina.com>
Date: November 29, 2023 at 11:47:25 AM EST
To: codyh32686@gmail.com
Subject: Carleton Island Special Use Permit Application

Good morning Cody, I am writing to express my concerns on the Special Use Permit Application to be discussed at Public hearing on Monday, December 4. Please pass this correspondence along to the appropriate Board Members.

From looking at the minutes of recent board meetings, the speed which with this application process has progressed combined with the change in scope of the project, are alarming:

1. At the 9/21/23 Town Board Meeting, Mr Clapp introduced himself and described his project as a bed and breakfast with a restaurant.
2. At the 10/11/23 Planning Board Meeting, Mr. Clapp submitted a site plan review application and described his project as a Bed and Breakfast with a restaurant, and added that he would like to build cabins and safari tents for contractors to stay in while the villa is being renovated, which will take approximately 3 years
3. At the 11/6/23 Zoning Board of Appeals Meeting, the special use permit was accepted, and there was discussion of holding the meeting my zoom or phone call to allow Mr. Clapp to attend as he will be in Florida.
4. The Notice of Public Hearing set for 12/4/23 describes the project as a Bed & breakfast with a restaurant plus a campground/glampground and indicates that Mr. Clapp will attend via telephone

How will the planning board accommodate the participation of the numerous Carleton Island residents who are also not in Cape Vincent on the date of the meeting? I'd like to request that this be meeting be held as a zoom meeting to allow participation from all concerned.

I feel that the Planning Board should not approve this Special Use Application, for the following reasons:

- Carleton Island has historic areas of interest and land use on or near any area of historic interest must be taken into consideration during the approval process. What has been done by the Planning Board in this regard?
- Carleton Island has significant wildlife preserves which could be unknowingly harmed by an influx of customers unfamiliar with the delicate ecosystem. (As an example, customers could unknowingly spreading the invasive species of Swallow-wort on the island)
- Regarding standards of review for – the proposed use must not be objectionable to nearby properties. The objections being raised by many island residents are clearly significant.
- Compatibility of the proposed use with adjoining properties/the relationship of the size of the parcel to the intensity of commercial use – this concentration of lodgings is entirely the opposite of the residential restrictions on the island which are one dwelling on a minimum 5-acre lot.
- The project is simply not compatible with the traditional and historic character of the site and surrounding area.

Thank you for your consideration in this matter.

Carol Thomas

Carleton Island Resident



Sharon Nebbia <turnerssharon1974@gmail.com>

FW: Proposed Carleton Villa Project [BH-LEGAL.FID702830]

2 messages

Michelle Bouchard <MBouchard@townofcapevincent.org>
To: "eah@tds.net" <eah@tds.net>, Sharon Nebbia <turnerssharon1974@gmail.com>

Thu, Nov 30, 2023 at 7:06 AM

Morning,

Please see the email message below. Would you be able to provide me with any of this information?

I do have the minutes and the Comp Plan is on the website. Will the meeting be via Zoom? I know Sharon and I talked about it and I think by phone only.

Michelle

From: McDonald, Jana K. <jmcdonald@bhlawpllc.com>
Sent: Wednesday, November 29, 2023 5:07 PM
To: Michelle Bouchard <MBouchard@TownOfCapeVincent.org>
Cc: codyh32986@gmail.com; Burgin, Autumn R. <aburgin@bhlawpllc.com>
Subject: Proposed Carleton Villa Project [BH-LEGAL.FID702830]

Ms. Bouchard,

I just left you a voicemail, requesting copies of the following documents pertaining to the captioned matter:

1. Site plan application
2. Site plan
3. Completed EAF/SEQR document(s)
4. Minutes (draft if available) of Planning Board's November 8, 2023 meeting
5. GML referral, if any
6. ZBA agenda for December 4 meeting

In addition, please advise as to whether the December 4 ZBA 6:00 meeting or Planning Board 7:00 public hearing will permit attendance via Zoom, or whether others, besides the applicant, are permitted to appear virtually.

Please also advise if there is a link to the official Village/Town Comprehensive Plan.

Thank you,

Jana

Jana K. McDonald
BOUSQUET HOLSTEIN PLLC

110 West Fayette Street | One Lincoln Center, Suite 1050 | Syracuse, New York 13202-1150
Tel: 315.701.6460 | Fax: 315.423.2851 | Email: JMcdonald@BHLawPLLC.com | www.BHLawPLLC.com



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Michelle Bouchard <MBouchard@townofcapevincent.org> Thu, Nov 30, 2023 at 1:52 PM
To: Jim Burrows <JBurrows@kwbattorneys.com>, "eah@lds.net" <eah@lds.net>, "docfjg@aol.com" <docfjg@aol.com>
Cc: Sharon Nebbia <turnerssharon1974@gmail.com>

Forwarding the message below as per Ms. McDonald's request.

Michelle

From: McDonald, Jana K. <jmcdonald@bhlawpllc.com>
Sent: Thursday, November 30, 2023 1:36 PM
To: Michelle Bouchard <MBouchard@TownOfCapeVincent.org>
Cc: codyh32686@gmail.com; Burgin, Autumn R. <aburgin@bhlawpllc.com>
Subject: RE: Proposed Carleton Villa Project [BH-LEGAL.FID702830]

Ms. Bouchard,

Following up on our phone call, I am emailing to put the following questions and objections into the record of the Planning Board and ZBA with regard to the captioned matter.

This law firm represents Philip and Yelena Argersinger, owners of property on Carleton Island, and objectors to Mr. Clapp's proposed project.

The Planning Board meeting minutes and the Planning Board public hearing notice on the website ([highlighted clip below](#)) indicate that the Planning Board will be reviewing a site plan review application

on Monday. See attached Nov. 8 Planning Board minutes referencing "**Ron Clapp Site Plan Review Application.**" See also attached Dec. 6 ZBA minutes, referencing the Planning Board's anticipated acceptance of Mr. Clapp's "**Site Plan Review Application.**"

Has the applicant in fact submitted a site plan review application, consistent with the website instructions (attached) and Code requirements? If so, the EAF that I've requested below would be included in that application. If the applicant has NOT submitted a site plan review application, what would the Planning Board be reviewing? It seems to me that the Planning Board's hearing for "Site Plan Review" should be canceled if there's no site plan application to review.

The "project map" submitted as part of the Special Use Permit Application is not legible or the website or in the attachment you forwarded. Please ask that the applicant instruct his map preparer to submit an electronic version of the map.

Finally, I understand that the applicant will be appearing virtually by phone. If that is the case, the same option should be available to any member of the public.

Notice of Public Hearing

The Town of Cape Vincent Planning Board will hold a Public Hearing on Monday, December 4, 2023 at 7:00 p.m. at Recreation Park on So. James Street, Cape Vincent, to consider the application of Carleton Villa, LLC (Ron Clapp).

Mr. Clapp is applying for a Site Plan Review to renovate Carleton Villa into a Bed & Breakfast on the upper floors with a restaurant on the first floor as well as a campground/glamppground (cabins and pre-built safari tents) on the back portion of the 6.9-acres on Carleton Island Rd 1 on Carleton Island, Cape Vincent, NY 13618 (Tax Map #: 39.27-1-16). Mr. Clapp will attend the hearing via telephone.

Persons wishing to appear at such hearing may do so in person, or by attorney, or by other representation.

Dr. Frank Giacinto

Chair, Planning Board

Thank you, and all rights are reserved,

Jana McDonald

Jana K. McDonald

BOUSQUET HOLSTEIN PLLC

110 West Fayette Street | One Lincoln Center, Suite 1000 | Syracuse, New York 13202-1190

Tel: 315.701.6450 | Fax: 315.423.2851 | Email: JMcDonald@BHLAW/PLLC.com | www.BHLAW/PLLC.com

From: Michelle Bouchard <MBouchard@TownOfCapeVincent.org>
Sent: Thursday, November 30, 2023 9:46 AM
To: McDonald, Jana K. <jmcdonald@bhlawflc.com>
Subject: RE: Proposed Carleton Villa Project [BH-LEGAL.FID702830]

Good morning Jana,

Attached are a copy of the project map and minutes.

The Site Plan application has not been done, as this step comes after the issuance of the Special Use permit. This is the same for the other documents.

When I have a copy of the ZBA agenda, I will pass it along to you.

The meeting will not be virtual.

You will be able to find the Comprehensive Plan on our website, select the "see all" and check "miscellaneous" . You will find it there.

I think I have addressed everything, if not please let me know.

Thank you,




Michelle Bouchard, RMC

Town Clerk/Tax Collector

315 654-3660

[Quoted text hidden]

3 attachments

-  Nov. 8, 2023 Planning Brd minutes.pdf
738K
-  Nov.-6-2023-Zoning-Board-Minutes.pdf
75K
-  SITE-PLAN.pdf
542K



BOUSQUET HOLSTEIN PLLC

110 WEST FAYETTE STREET • ONE LINCOLN CENTER • SUITE 1000 • SYRACUSE, NEW YORK 13202 • PH: 315.422.1500 • FX: 315.422.3049

VIA EMAIL TO MBouchard@TownOfCapeVincent.org & codyh32686@gmail.com

December 1, 2023

Zoning Board of Appeals
Town of Cape Vincent
1964 NYS Route 12E
Cape Vincent, NY 13618

Re: Ron Clapp/Carleton Villa - Special Use Permit Application

Dear Chairman Hladzenski and Members of the Zoning Board of Appeals (ZBA):

This law firm represents Philip and Yelena Argersinger, owners of property on Carleton Island.

On behalf of the Argersingers, we are writing in opposition to the captioned application. We also are writing a letter of opposition to the Planning Board, a copy of which letter is attached.

We continue our procedural objections set forth in my email to the Town Clerk dated 11/30/2023. The public – the Town's own taxpayers, including many interested adjoining and nearby neighbors of the proposed project – should not be prevented from appearing virtually at the noticed ZBA public hearing, while the courtesy of appearing virtually is granted to the applicant. This is fundamentally unfair and procedurally deficient. Many of the interested parties, just like the applicant, live and/or work in other parts of the state and country. In order to appear, they have to hire legal representation, and/or travel long distances on very short notice to appear at the hearing. In addition, the plan for the project, until yesterday when it was finally posted in a proper form on the Town's website, was completely illegible in all distributed forms. Members of the public and interested parties were provided very little time to review and analyze the plan, again, putting them at a procedural disadvantage.

We also submit the below substantive objections to the application, based on Section 5.3 of the Town's Zoning Law, which sets forth the ZBA's authority to hear and approve special use permit applications and the standards under which such applications are to be reviewed.

At this point, the applicant has not submitted, and the record is devoid of, adequate information addressing the special use permit standards of review.

The application does not in fact satisfy the Zoning Law's special use standards of review as further set forth below.



Zoning Law, Section 5.3(2)(e)(6)(a) states: "The proposed use must not be more objectionable to nearby properties by reason of noise, odors, vibration, dust, illumination, or other potential nuisance than the operation of any allowed use in the particular district."

The proposed use involves densely located commercial overnight lodging, separate rental units and intensive commercial recreational waterfront use, whereas most of the rest of Carleton Island is developed for extremely low density, single family residential use, or preserved under conservation easements. The proposed number of 150 Villa guests and 23 separate rental units on 6.9 acres far exceeds the density and intensity of use of the entire rest of Carleton Island on a unit per acre basis.

Both the Joint Comprehensive Plan of the Town and Village of Cape Vincent (the "Comprehensive Plan") and the Town's Zoning Law describe and encourage the preservation of the unique, low density seasonal residential development and conservation of the historic, environmental, and preservation values of Carleton Island. The Comprehensive Plan and the Zoning Law emphasize the need to maintain the existing level of development and low-density residential use and to discourage "elaborate infrastructure development."

The Comprehensive Plan specifically states the following objectives:

Encourage: Large lot seasonal residential use with boat access. Maintain scenic resources, the natural setting and preserve open spaces to the greatest extent possible. Consider the use of open space easements and ensure adequate protection of the important historical-archeological resource, Ft. Haldiman.

Discourage: Any type of development that would diminish or degrade the unique rural community lifestyle these islands provide to their owners. Any commercial or utility development whose influence would have a negative impact on health, safety, scenic and natural resources, property values, recreational opportunities and tourism assets.

Section 7.1, Area #4, Comprehensive Plan.

It does not appear that the application makes any attempt to site or design the project with the foregoing objectives in mind. It is impossible to ascertain the full extent of the impacts of the project's operations, including evaluation of lighting, noise, and the full nature of waterfront uses. There are no applicant representations as to how the negative impacts of construction activity will be managed. And, it would appear that the application contemplates Villa guests and users of the commercial rentals moving about Carleton Island on restricted roadways. The project will require appropriate management to prevent commercial use of restricted and private areas. These are only a few of the many unaddressed and objectionable aspects of the proposed project.



Zoning Law, Section 5.3(2)(e)(6)(b) states: "Compatibility of the proposed use with adjoining properties and with the natural and man-made environment. When reviewing business uses, the relationship of the size of the parcel to the intensity of the commercial use and the size of the building shall be a relevant consideration."

The proposed commercial project is entirely inconsistent with the present low density seasonal residential use and adjacent and nearby conservation areas. The proposed business use is concentrated in an environmentally sensitive and historically significant area, which is completely lacking in supportive infrastructure.

Zoning Law, Section 5.3(2)(e)(6)(c) states: "Adequacy of parking, vehicular circulation, and infrastructure for the proposed use, and its accessibility to fire, police, and emergency vehicles."

The applicant has not indicated the level of infrastructure that will be required to support the proposed level of commercial development, including the need for municipal services such as police, fire, and emergency medical services. At capacity, the project will more than double the Carleton Island population, meaning that remote island service needs will dramatically increase. Additionally, the applicant does not describe the manner in which his guests will travel to and from the site, where their cars will be parked, where their boats will be moored or docked, how garbage will be disposed, or how drainage and septic system matters will be addressed.

Zoning Law, Section 5.3(2)(e)(6)(d) states: "Restrictions and/or conditions on design of structures or operation of the use, including hours of operation and noise, necessary either to ensure compatibility with the surrounding uses or to protect the natural or scenic resources of the Town."

The Comprehensive Plan and the Zoning Law describe Carleton Island as rural, historic, and environmentally sensitive, comprising "one of the most distinctive land use" zones in the Town. "The land-use plan for this District is focused principally on encouraging quality residential development." There is only "some capacity for limited, controlled commercial development." Zoning Law, Section 3.7(1).

The proposed commercial project is neither limited nor controlled. It is completely dense, covering practically every area of the property. On its face, the application plan appears to provide for its commercial lodgers and renters to travel off site to access private or restricted property. The applicant has not provided septic or drainage information, nor is there any environmental assessment documentation in the record. There is no information in the record that identifies cultural resources or mitigation of project impacts on the same.



Zoning Law, Section 5.3(2)(e)(6)(e) states: "Compatibility with the traditional or historic character and use of the structure or structures and the traditional or historic character of the site and the surrounding area."

Carleton Island has not had significant commercial activity since the Villa was last in operation, as noted in the application. In the last 100 years, Carleton Island has become private, residential and preserved. The proposed commercial use is not in keeping with the character and use of the surrounding area, which is either undeveloped conservation or historic preservation areas or sparsely developed for residential use.

The proposed project is inconsistent with the Comprehensive Plan, incompatible with the nearby and surrounding Carleton Island development and fails to satisfy the Zoning Law standards. The special use permit application should be denied.

Thank you for your attention to this matter. All rights reserved.

Very truly yours,

BOUSQUET HOLSTEIN PLLC

Jana K. McDonald

Attachment – 12/1/23 letter from Bousquet Holstein to Town Planning Board



BOUSQUET HOLSTEIN PLLC

110 WEST FAYETTE STREET • ONE LINCOLN CENTER • SUITE 1000 • SYRACUSE, NEW YORK 13202 • PH: 315.422.1500 • FX: 315.422.3549

December 1, 2023

VIA EMAIL TO MBouchard@TownOfCapeVincent.org & codyh32686@gmail.com

Planning Board
Town of Cape Vincent
1964 NYS Route 12E
Cape Vincent, NY 13618

Re: Ron Clapp/Carleton Villa – Site Plan Review Application

Dear Chairman Giaquinto and Members of the Planning Board:

This law firm represents Philip and Yelena Argersinger, owners of property on Carleton Island.

On behalf of the Argersingers, we are writing in opposition to the captioned project. We also are writing a letter of opposition to the Zoning Board of Appeals, a copy of which letter is attached.

The November 8, 2023 minutes of the Planning Board and the Planning Board's notice of public hearing for December 4, 2023 both indicate that the Planning Board will be considering a site plan review application. However, no site plan review application is available on the Town website, and neither the Town Clerk nor the Zoning Enforcement Officer have been able to provide us with a copy of a site plan review application for this project.

According to Town Zoning Law, a site plan review application must be filed on forms "prescribed by the Town" and include an Environmental Assessment Form (EAF). Again, I am informed by Town personnel that no such application and EAF are on file. If this is, in fact, the case, the Planning Board does not have jurisdiction to review the applicant's proposal as there would be no site plan review application properly in front of the Planning Board. It would appear that the applicant only has filed a special use permit application, and the Town Zoning Law does not provide any authority to the Planning Board to review or approve special use permit applications or a site plan without a properly filed site plan review application and EAF.

In addition, we continue to further our other procedural objections set forth in my email to the Town Clerk dated 11/30/2023. The public – the Town's own taxpayers, including many interested adjoining and nearby neighbors of the proposed project – should not be prevented from appearing virtually at the noticed Planning Board public hearing, while the courtesy of appearing virtually is granted to the applicant. This is fundamentally unfair and procedurally deficient. Many of the interested parties, just like the applicant, live and/or work in other parts of the state and country.

6674251.1/A1421.01

WWW.BHPLLC.COM

SYRACUSE

ITHACA



In order to appear, they have to hire legal representation, and/or travel long distances on very short notice to appear at the hearing. In addition, the plan for the project, until yesterday when it was finally posted in a proper form on the Town's website, was completely illegible in all distributed forms. Members of the public and interested parties were provided very little time to review and analyze the plan, again, putting them at a procedural disadvantage.

The plan posted on the Town's website should not be reviewed or considered for approval at the public hearing on Monday, without a properly completed and filed application and an EAF, addressing environmental and other impacts, and including sufficient information in order for a meaningful impacts review to occur. Without a proper application before it, the Planning Board is unable to discharge its duties pursuant to Section 5.4(6)(4) of the Zoning Law to properly evaluate the application consistent with the site plan review criteria.

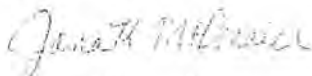
The public and all interested parties should have an opportunity in advance of a public hearing to review the application and the EAF. In addition, a thorough review under the State Environmental Quality Review Act likely will be required given the project site location, which should include the involvement of the New York State Office of Parks, Recreation, and Historic Preservation, the Department of Conservation, and other interested and involved agencies. According to the Town Zoning Law, Carleton Island has "historic areas of interest as confirmed by the New York State Office of Parks, Recreation, and Historic Preservation. As such, land use on or near any area of historic interest will be taken into consideration during the approval process." Zoning Law, Section 3.7(1).

Again, without a filed site plan review application and an EAF, any review and approval of the applicant's site plan would be outside the Planning Board's jurisdiction. The public hearing should be postponed pending receipt of a properly filed application and pending involvement of, and review by, any necessary interested and involved agencies.

Thank you for your attention to this matter. All rights reserved.

Very truly yours,

BOUSQUET HOLSTEIN PLLC


Jana K. McDonald

Attachment – 12/1/23 letter from Bousquet Holstein to Town Zoning Board of Appeal

Subject: Fwd: Carleton Island Propose Campground

Cody Higgins <codyh32696@gmail.com>
to: eah

12:48 PM (4 hr)

You are viewing an attached message. Gmail can't verify the authenticity of attached messages.

Sent from my iPhone

Begin forwarded message:

From: Lois Giamber <lgiamber@aol.com>
Date: November 30, 2023 at 11:57:40 AM EST
To: codyh32696@gmail.com
Subject: Carleton Island Propose Campground

Sam and I strongly oppose the proposed campgrounds on Carleton Island at the Villa. We are residents there for 33 years. Having this hearing between Thanksgiving and Christmas makes it impossible for residents to object in person. Residents buy 300 feet of waterfront and at least 5 acres for the open space and beauty. Many will or have donated land for conservation so it can remain open. Multiple camps on 5.9 acres is the antithesis of what residents of Carleton aspire to avoid. This would be a significant betrayal to us, if the council were to approve such an obvious circumvention of what Carleton Island is all about. Such an increase in traffic on the county road is not only an interruption of our peace, but dangerous with deepening ruts from muddy conditions. In addition, traffic will further spread the invasive swallow wort, which many have worked hard to control over the past 13 years. We care deeply about this land and it is our summer home. I doubt campers will have the same respect for the island. We can't imagine the public health violations which would need to occur, as far as septic systems etc. Carleton Island is rich in history and a place for various wildlife. Mr. Clapps goals and aspirations do not in any way parallel the residents of Carleton. We are asking the town council to say NO now, to this proposal. Do not just put it off, say NO now. Thank you for taking the time to hear our opinions. Lois and Sam Giamber. (610) 392-1000.

Sent from my iPad

From: Karli Foster <karli@hyperblackstudios.com>
Date: December 1, 2023 at 11:31:07 AM EST
To: codyh32686@gmail.com
Subject: Carleton Island Villa lot // Special Use Permit

Hi Cody,

I recently became aware of the Special Use Permit Application submitted by Ror Clapp c/o Carleton Island LLC with respect to the Carleton Island Villa lot. I have been visiting Carleton Island since 1993 as a child and have visited every summer since for the last 30 years. Even as an adult when I moved across the country to California, I still made it a point to make it to Carleton Island every year. With my close family friends, we would spend the summers identifying plants and flowers on the island, watching the blue herons and bald eagles, and identifying ships that pass through the channel (we still have the logs of passing ships from 30 years ago!).

Visiting the island has been something I look forward to every year. Especially as life gets busier and harder to disconnect from work and business, Carleton Island is an amazing refuge that is like no other. My concern with Mr. Clapp's proposal that it would change the island entirely. With a small island 23 campsites means a big influx of people, which means more pollution, more noise, and a whole potential change in the delicate ecosystem. I would be saddened to see the island irreversibly changed.

I hope that there will be serious consideration on the affects this will have on this precicus environment before making any decisions.

Thank you for your time,

Karli Foster

3102606487

karli@hyperblackstudios.com

www.hyperblackstudios.com