

David Kernan
1107 Sheldon Drive
Altamont NY, 12209

3063 Carleton Island Rd 1
Cape Vincent NY

January 18, 2024

Town of Cape Vincent Zoning Board of Appeals
c/o Cody Higgins
Email address: codyh32686@gmail.com

Re: Ron Clapp Special Use Permit Application dated October 4, 2023
Recognition of Prescriptive Easements Currently Used by Property
Owners on the Head of Carleton Island

Dear Town of Cape Vincent Zoning Board of Appeals:

This letter is written on behalf of the members of the William Kernan Carleton Island Club LLC which owns three properties on the head of Carleton Island (the "Head"). These properties include one parcel consisting of approximately three acres lying on the northwestern end of the Head of Carleton Island which was conveyed by John Hance to the Carleton Island Club (unrelated to the present owner) in 1875 and 1881 (the "Club Parcel"), a second parcel consisting of somewhat less than an acre lying nearer the southeastern end of the head of Carleton Island on which a cottage and guesthouse are located which was conveyed by Charles and Mary Parkhurst to William and Katharine Kernan in 1956 (the "Main House Parcel") and a third parcel consisting of a boathouse and adjacent land lying near the southwest corner of South Bay which was also conveyed by Charles and Mary Parkhurst to William and Katharine Kernan in 1956 (the "Boathouse").

John Hance acquired all of the land constituting the Head of Carleton Island, as well as the "Neck" connecting the Head of the Island to the "Body" of the Island as well as the western portion of the "Body" of the Island consisting of about 480 acres from Euphasine and Isadore Pluche, as a single parcel, in 1868. Hance subdivided the land on the Head of the Island and sold subdivided parcels to various persons (the "Original Cottage Owners") during the 1880s. The deeds providing for the conveyance of the subdivided parcels to the Original Cottage Owners (including the Carleton Island Club) included easements intended to permit the Original Cottage Owners to travel from their respective parcels (1) to their respective boathouses as well as (2) a steamboat landing and wharf at the southeastern end of the Head of the Island, and (3) along a "road" adjacent to the western shore of South Bay that traverses the Neck of the Island and leads from the Head to the Body of the Island. John Hance and, later, his son, Sylvanus,

intended to establish "roads" running along the southern and western shores of South Bay, but the existence of these "roads" was never formalized and the "roads" have simply been used as paths by the Original Cottage owners and their successors. Over the first 30 or 40 years, the paths actually used by the Original Cottage Owners and their successors in interest shifted in some places from the descriptions of the easements and "roads" but it is accurate to say that the paths and "roads" used by the successors of the Original Cottage Owners have been fixed for at least the past 70 years and, to the extent they differ from the deed descriptions, constitute prescriptive easements enjoyed by the successors of the Original Cottage Owners.

The successors of the Original Cottage Owners at this time include not only the William Kernan Carleton Island Club LLC but also the Hickory Point Club Ltd., Charles and William Millar, Salvadore Checho and Amanda Dunlop.

We recite this history because both the site plan submitted by Ron Clapp together with his Special Use Permit application, dated October 4, 2023, to the Zoning Board of Appeals, and the revised site plan submitted in January 2024, ignore the existence of these easements and proposes the construction of pathways, buildings and a septic field that would interfere with and in some instances block the use of these easements by the successors of the Original Cottage Owners. Enclosed with this letter is a photocopies of Mr. Clapp's original and revised site plans showing in black marker the aforementioned easements superimposed on the site plans. We believe that the rights of the successors of the Original Cottage Owners to the continued use of these easements in their present locations would be protected by New York State courts in the event that any development on Mr. Clapp's parcel interferes with their use by the successors of the Original Cottage Owners. We urge the Zoning Board of Appeals to require that any site plan offered by Mr. Clapp include a recognition and description of these easements.

(We also note that the site plan proposed by Mr. Clapp suggests that a stairway leading from the top of the bluff overlooking South Bay could be used by his guests to access the Villa site on his parcel from the Neck of the Island site on his parcel. That stairway and the path leading to it from the Villa site are owned by Charles and William Millar and are available solely to their permittees.)

Sincerely,



cc: James Burrows, Esq. jburrows@kwbattorneys.com
Ronald Clapp

Legend

- Site Boundary
- Major Contour
- Minor Contour
- Easement
- 100' Shoreline Buffer
- Existing 50' R.O.W.
- Landscape Buffer
- Beach
- 6' wide Cobblestone paved path
- 6' wide multi/gravel path
- 3' wide multi/gravel path
- Private access path
- Low Landscape or Bush
- Existing Coniferous Trees to remain
- Existing Deciduous Trees to remain
- Point of Interest, Community Fire pit with benches

SITE DATA:

| | |
|--------------|----|
| CABINS | 18 |
| SAFARI TENTS | 5 |
| TOTAL | 23 |

Total Lot Area = 6.9 Ac.
 Total Gross Floor Area = 9,568 S.F.
 Cabins (18) = 1,400 S.F.
 Safari Tents (5) = 15,000 S.F.
 Carleton Villa = 15,000 S.F.
Total = 24,968 S.F.

Note! Each unit shall have a picnic table, fire pit, grill and solar panel.

Zoning Law, Town of Cape Vincent :
 Section 3.7 Islands District :
 1. Intent :
 The Islands District is intended to preserve the scenic beauty of the Town of Cape Vincent and to provide a unique recreational experience for the residents of the Town of Cape Vincent and to provide a unique recreational experience for the residents of the Town of Cape Vincent.

2. Lot Requirements:

| Lot # | Area Minimum | Frontage Minimum | Setback Minimum | Height Maximum |
|-------|--------------|------------------|-----------------|----------------|
| 1 | 200' x 50' | 20' | 5' | 30' |
| 2 | 200' x 50' | 20' | 5' | 30' |

Section 4.1.2 Recreational Resort :
 In order to take maximum advantage of the unique characteristics of this area, a designation of Recreational Resort is established for the area.

2. The term Recreational Resort shall be interpreted to include, at a minimum, the following uses normally associated with transient resorts, such as, but not limited to:
- a. Tent camping sites
 - b. RV camping sites
 - c. Cabins, mobile units
 - d. Bathhouse, restroom facilities
 - e. Swimming beaches
 - f. Restaurants
 - g. On-site convenience stores
 - h. On-site bandstand
 - i. Swimming pools
 - j. On-site recreation such as golf
 - k. Restaurants

3. All applicable local, county, and state regulations shall be followed.



ORIGINAL



PROJECT CONSULTANTS, INC.
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 Cape Vincent, NY 13618
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NOTES
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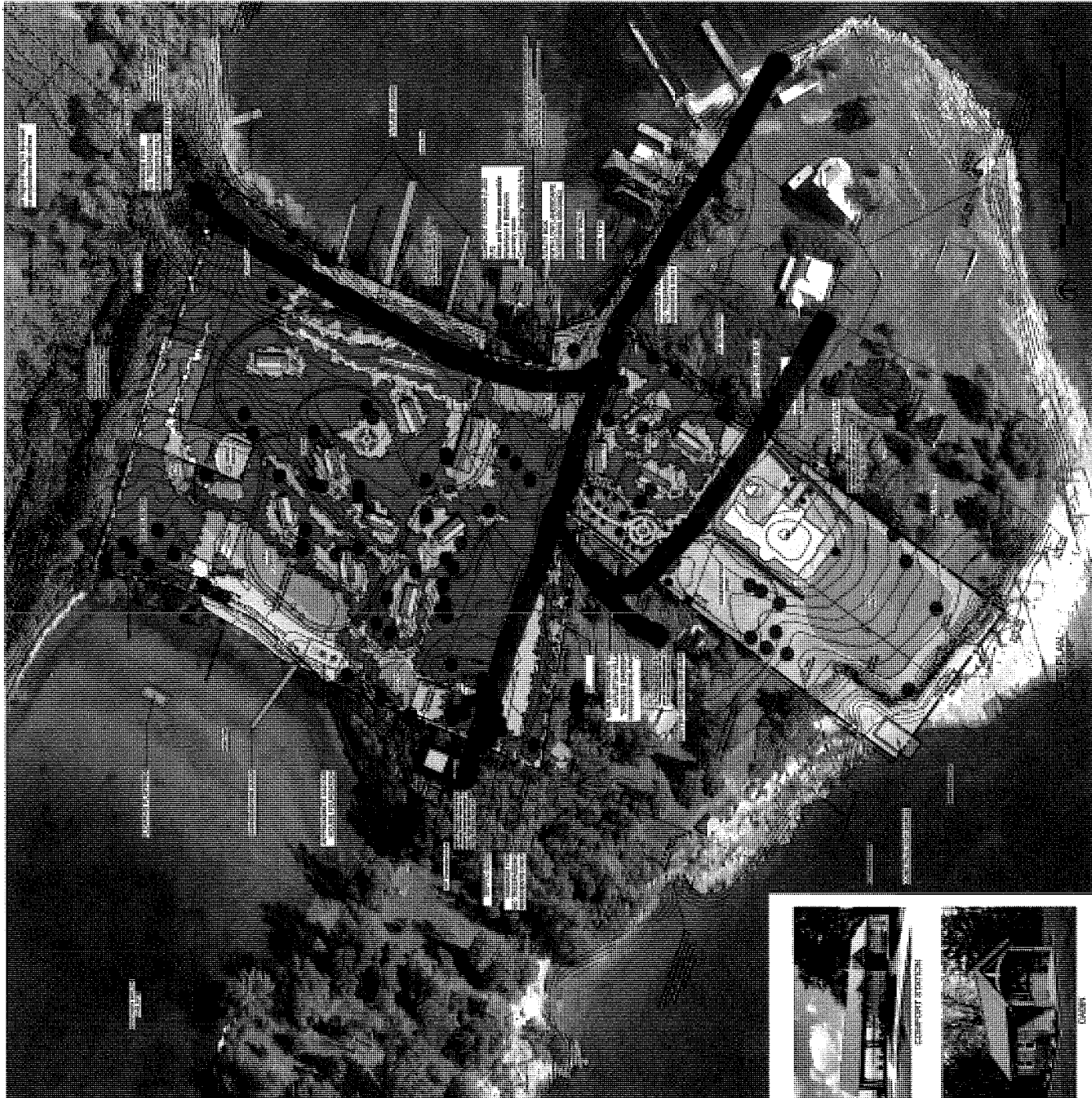
| No. | Date | Revisions/Notes |
|-----|------|-----------------|
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PROJECT TITLE:
CARLETON VILLA
TAX MAP PARCEL NO. 39-27-16 IN TOWN OF CAPE VINCENT
CLIENT:
Carleton Island Rd. 1
Carleton Villa, LLC.
APPLICANT:
Ron Clapp
Address: 146 Centre Street, Cape Vincent, NY 13618

SHEET TITLE:
SITE PLAN

SCALE:
AS SHOWN
DATE:
11/15/2023
SHEET #:
25072

L103



Legend

- Site Boundary
- Major Contour
- Minor Contour
- Easement
- 100' Shoreline Buffer
- Fence
- Existing 60' R.O.W.
- Landscape Buffer
- Beach
- 6' wide Cobblestone paved path
- 6' wide mulch/gravel path
- 3' wide mulch/gravel path
- Private access path
- Low Landscape or Bush
- Existing Coniferous Trees to remain
- Existing Deciduous Trees to remain
- Point of Interest, Community Fire pit with benches

SITE DATA:

| | |
|--------------------------|-----------|
| CABINS | 11 |
| ON-SITE MANAGEMENT CABIN | 1 |
| TOTAL | 12 |

Total Gross Floor Area: 1,200 S.F.
 Open/Green Space Area: 6.63 Ac.
 Comfort Station = 5,712 S.F.
 Cabins (12) = 15,000 S.F.
 Carleton Villa Total = 21,912 S.F.

Note: 1. Each unit shall have a picnic table, fire pit, grill and solar panel.

Zoning Law: Town of Cape Vincent

Section 3.7 Islands District
 The Islands District consists of five islands within the boundaries of the Town of Cape Vincent. They include Grenadier, Little Grenadier, Fox, Carleton, and Union Islands. The Islands District is intended to preserve the natural beauty and scenic views of the Town of Cape Vincent. The Islands District is subject to the provisions of the Town of Cape Vincent Zoning Ordinance, particularly those provisions relating to the Islands District. 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 amenities. The Islands District is intended to encourage quality residential development with some capacity for limited, controlled commercial development, for example, restaurant, hotel, bed and breakfast.

2. Lot Requirements:

| Section | Area Minimum | Privacy Minimum | Setbacks Minimum | Height Maximum |
|-------------|--------------|-----------------|------------------|----------------|
| 100' x 100' | 200' | 200' | 200' | 35' |
| 100' x 150' | 300' | 300' | 300' | 35' |
| 100' x 200' | 400' | 400' | 400' | 35' |

Section 7.12 Recreational Resorts:

- Intend to take maximum advantage of the unique characteristics of this area, a designation of Recreational Resorts is established for campgrounds and RV parks.
- The term Recreational Resort shall be construed to include all related functions normally associated with transient resorts, such as, but not limited to:
 - Tent camping sites
 - RV camping sites
 - Seasonal motor home sites
 - Swimming pools
 - Boathouse, restroom facilities
 - Marinas
 - On-site convenience stores
 - On-site laundromat
 - Swimming pools
 - On-site recreation such as golf
 - Restaurant
- All applicable local, county, and state regulations shall be followed.

CARLETON VILLA
 PROJECT TITLE:
 PROJECT ADDRESS:
 Carleton Island Rd. 1
 Tax Map Parcel No. 39.27-1-16 In Town of Cape Vincent
 CLIENT:
 Carleton Villa, LLC.
 ARCHITECT: Ron Clepp
 445 West 14th Street
 Cape Vincent, NY 13819

SITE PLAN

| | |
|--------------|----------|
| DATE: | 10/20/24 |
| REVISIONS: | 1 |
| PROJECT NO.: | 25-072 |
| SHEET NO.: | L10 |

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 Cape Vincent, NY 13819
 315-338-1111
 www.radgroup.com

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| | | |
|-----|------|-----------------|
| No. | Date | Issue Notes |
| | | |
| No. | Date | Revisions Notes |
| | | |