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VIA FIRST CLASS MAIL

Empire State Development - North Country West
Dulles State Office Building
317 Washington Street, 2nd Floor
Watertown, NY 13601

Re: *Restore New York Communities Initiative Application Denial Request for Ron Clapp and the Carleton Island Villa Project*

To Whom It May Concern:

We represent Friends of Carleton Island and write to oppose the application for Restore New York Communities Initiative ("Restore NY") grant funds submitted by the Town of Cape Vincent on behalf of Ron Clapp in connection with his proposal to redevelop the Carleton Villa located on Carleton Island, which is a part of the Town of Cape Vincent, New York. For the reasons set forth below, Ron Clapp's proposal (A) is not an appropriate use of the Restore NY grant funds and (B) is not likely to be approved by the local municipal boards.

The Friends of Carleton Island is a group comprised of property owners on Carleton Island and the Town of Cape Vincent mainland that formed in December of 2023 to oppose commercial development on Carleton Island. Carleton Island is located in the St. Lawrence River and is part of the Town of Cape Vincent. Carleton Island is approximately 2.0 square miles of largely undeveloped land, with residential properties located along the shoreline and that is only accessible from the mainland via private boats. Carleton Island is also home to the Carleton Villa, a 15,000 square foot mansion built in the 1890s that has fallen into significant disrepair.

In July 2022, Ronald Clapp ("Clapp") purchased the historic Carleton Villa (the "Villa") and surrounding land, totaling 6.9 acres, with the intention of developing the land into a "glamping" resort consisting of twelve cabins, a bath house, several hundred feet of docks and then later turning the Villa into a bed and breakfast with thirteen guest rooms (the "Project"). The Project will diminish the quality of life of Carleton Island residents and will introduce a high intensity commercial use to Carleton Island, an area that has historically and predominantly been utilized for seasonal residential purposes. The Project does not satisfy the purpose of the Restore NY grant because it will not revitalize a disadvantaged community as explained in more detail below.

A. A Grant to Clapp Is Not an Appropriate Use of Restore NY Grant Funds.

This Restore NY grant to Clapp should be denied because it is not an appropriate use of the Restore NY grant funds. The sole purpose of the Restore NY initiative is to revitalize urban and rural areas, disadvantaged communities, and to stabilize neighborhoods. The goal of the Restore NY grant program is to revitalize communities and induce commercial investment or to improve the local housing stock.

The Town of Cape Vincent (the "Town") is not a distressed or disadvantaged community according to the List of Distressed Communities provided on the Restore NY website. Moreover, Carleton Island is largely pristine, developed with single family seasonal residences along the shoreline. The purely residential, noncommercial, development of Carleton Island was mandated by the St. Lawrence Eastern Ontario Commission in 1986 as a condition for permitting the subdivision of the Island at that time. Carleton Island is zoned "Islands District" and 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. 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." Town of Cape Vincent Zoning Code, Section 3.7. As indicated by the language in the Town's own zoning code, the local housing stock on Carleton Island is unique and Carleton Island is not suitable for commercial investment. In fact, the lack of public access to the island is a further hindrance to commercial investment and development.

Clapp, a developer from Florida, has a primary objective to build a "glampground" on Carleton Island. The purchase of the Villa came with 6.9 acres, on which Clapp is planning to construct a glampground, and allegedly intends to use the profits from the "glampground" to pay for the Villa's restoration at some unknown future date. Restoration of the Villa is estimated to cost at least eight figures and there is no timeframe for the restoration work. The Restore NY grant funds sought by the Town on behalf of Clapp would not even put a dent in the cost of the Villa's reconstruction leading to the conclusion that if Clapp were to receive the Restore NY grant funds, he would most likely use them to construct the glampground.

There are additional issues associated with Clapp's eligibility to use Restore NY grant funds received by the Town. According to Section 2 of the Round 8 Restore NY Guidelines, funds used need to be related to the rehabilitating or reconstructing abandoned or condemned property. The construction of a glampground, which according to Clapp was to occur from Spring 2024 to Summer 2025, is of greater importance to Clapp and will precede any restoration of the Villa, which is not likely to occur for years.

Therefore, any Restore NY grant funds received will likely be impermissibly used for the glampground and not to restore a decrepit structure.

Further, Section 6 of the Guidelines places a strong emphasis on project feasibility and readiness. These include: "Project Feasibility (e.g. market feasibility, business plan, letters of commitment on financing, etc.); Project Readiness (e.g. conformance with local planning and zoning, federal and state permits, etc.); Transportation and Utility Readiness (e.g. transportation analysis, utility evaluations, etc.); and Environmental Readiness (e.g. SEQR and SHPO consultation, etc.)." As noted above, Clapp admitted that the glampground would be constructed within the next year and that the restoration of the Villa would occur many years from now. Therefore, Clapp cannot demonstrate that plans are in place, that project financing has been committed or that the restoration project is expected to be completed within a year.

Further, impacting the ability to undertake the project within one year is the fact that Clapp has already been subject to litigation in connection with the Project. Clapp has already begun clearing trees and other vegetation with an excavator, before receiving or requesting any permits or approvals to do so. As a result, the Thousand Islands Land Trust ("TILT"), which owns an adjacent property to the Project, sought a permanent injunction in New York State Supreme Court preventing the Clapp from clearing and excavating the land for his Project. TILT 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. Accordingly, Judge James P. McClusky issued an order on May 20, 2024, granting a preliminary injunction preventing any additional clearing or excavation work, but limited the order to include only land within 100 feet of the shoreline. The New York State Department of Environmental Conservation also investigated the clearing.

B. The Project is Unlikely to be Approved by the Town.

Restore NY grant funds should also be denied because the Project is unlikely to be approved locally because multiple significant adverse environmental impacts may occur as a result of the Project.

Notwithstanding the lack of detailed information about the Project, the following is clear: (1) the Project will require the physical alteration of approximately 6.9 acres of land; (2) the Project is likely to impact the St. Lawrence River due to its proximity to North and South Bay on Carleton Island; (3) groundwater impacts are likely because the Project does not contain adequate space to accommodate a septic system large enough to service the cabins, bathhouse and Villa; (4) the Project area is home to multiple threatened/endangered species according the environmental mapper and is in the vicinity of a Significant Waterfowl Winter Concentration Area; (5) historic and aesthetic resources

will be impacted by the Project including the site of a historic fort and the Villa; (6) the Project will have severe impacts on transportation in the form of new boat traffic and parking requirements in on the shore in order to accommodate this business; and (7) the additional of large numbers of people to the island will result in noise, light and impact on character.

1. Impact on Land

The Project will require the physical alteration of approximately 7 acres of land in a very sensitive area adjacent to the St. Lawrence River and in close proximity to existing residential uses.

2. Impacts on Surface Water

The Project is likely to impact the St. Lawrence River due to its proximity to North and South Bays on Carleton Island. The Project includes dredging of the bays, the installation of an artificial beach, four docks and a large floating platform. In addition, the shoreline will be cleared and altered. It is obvious that a significant impact on the St. Lawrence River is likely due to the Project.

3. Impacts on Ground Water

The Project has the potential to create a significant impact on the environment due to ground water contamination. Groundwater impacts are likely because the Project does not contain adequate space to accommodate a septic system large enough to service the bathhouse and Villa. Clapp currently states that it will rely on a septic system to service the site. It does not appear as though there is nearly enough space to accommodate such a large system.

4. Impacts on Plants and Animals

The Project will result in significant impacts on plants and animals – that is already happening. The NYSDEC Environmental resource mapper identifies three separate rare animal/plant communities of concern at this location including its statis as a significant waterfowl concentration area.

5. Historic, Archeological and Aesthetic Resources

The Project includes making changes to a historic building, the Villa, and is adjacent to at least one other eligible structure. It is well known that Carleton Island was settled by members of the Mohawk Tribe and was the site of significant events in early American history. Steps have been taken to preserve native remains elsewhere on the island. The Project would be built in close proximity to the site of a British Fort occupied by the British

and their Tory and native American allies during the Revolutionary War, known as Fort Haldimand and on land used by the British during the Revolutionary War to construct warships. The NYS Cultural Resources Information System lists this as likely containing important archeological resources. The Project would create visual impacts that are obviously in sharp contrast to current land use patterns. This location is a pristine island in the St. Lawrence River that must be protected. Historic resources will also be impacted by the Project including the site of a historic fort and the Villa. In fact, the historical nature of the Villa and the surrounding properties requires ESDC to first consult with the New York State Office of Parks, Recreation and Historic Preservation before issuing any funds in accordance with Sections 8 and 9 of the Restore NY grant Guidelines.

6. Parking and Traffic

Clapp has not thought through the impact of additional boat traffic required to operate this business. No parking plans have been provided explaining where customers and employees will park on the mainland. The plans on this issue are incomplete.

7. Character, Noise and Light

The proposed density and intensity of use of the development and its close proximity to the shoreline seriously threaten the environment and the use and enjoyment of neighboring properties. It is certainly not in keeping with the traditional character of Carleton Island.

Considering the large number of significant adverse environmental impacts and the inconsistency with the Town's own Zoning Code provisions related to the Islands District, local approvals for the Project are unlikely. Accordingly, it would be inappropriate to award Restore NY grant funds under these circumstances.

In conclusion, for the reasons set forth above, we urge the ESDC to deny Restore NY grant funds for Clapp's Project.

Sincerely,

BOND, SCHOENECK & KING, PLLC

Roger A. Bearden