NY Department of Conservation – Jessica Hart

Army Corps of Engineers – Margaret Crawford & Michael Uitvlugt

February 13, 2025

Re: Permits for Carleton Island Plans proposed by Ronald Clapp, dba Carleton Villa LLC

Dear Ms. Hart, Ms. Crawford and Mr. Uitvlugt:

We are writing to you in our capacity as owners of land contiguous to land acquired by

Ronald Clapp dba Carleton Villa LLC (the “Developer”) at the western end of Carleton

Island in the St. Lawrence River, Town of Cape Vincent, Jefferson County, New York. Our land, and the land acquired by the Developer, include shoreline fronting two bays, called “North Bay” and “South Bay,” of the St. Lawrence River. We understand that the Developer has submitted or expects to submit applications to your agencies for permits allowing him to construct commercial dockage and other improvements (the “Project”) extending from the shoreline of land acquired by him into North Bay and South Bay. While local government approval of the Project is currently suspended, we wish to apprise you of several factors in advance of any permit applications for docks, marina, wetlands, etc. that may be required by your agencies.

The Thousand Islands Land Trust (“TILT”) has initiated a lawsuit in New York State Supreme Court against the Developer for violations of a conservation easement that limits the removal of vegetation and other alterations on Developer’s land. Developer’s proposed construction of a marina, and proposed construction of mobile units/cabins are prohibited by both property deed restrictions and local zoning law. The judge has issued a temporary injunction prohibiting any work in a buffer area extending 100 feet inland from the shoreline of land owned by the Developer. Until that suit is resolved, the town boards have elected to suspend all regulatory review under way, including SEQR, Special Use Permit, Zoning Variance, and Planning Board Approvals.

The following issues are important to any decisions you may make:

1. Unlike most land under navigable waters in New York State, the land under both

North and South Bays where the Developer plans on installing four commercial

docks is owned by the adjacent (upland) property owners. We are attaching a New

York State Supreme Court opinion resulting from a dispute several years ago that

confirms this fact. We, as owners of underwater land under North Bay and South

Bay, will not permit any portion of the Project to impinge upon the underwater land

owned by us. Also, we do not approve the proposed commercial docks and contend

that they will interfere with our current use and enjoyment of our underwater land.

This is one issue being addressed in the TILT lawsuit insofar as TILT is also an owner

of underwater land in North Bay and South Bay.

2. We understand that the Wetlands guidelines as of the first of this year extend

protections 100’ back from the wetland delineation. While we don’t have a copy of

that survey, our observation of the flags marking that delineation make clear that the

proposed campsite would violate that setback.

3. The proposed docks would be for use by overnight and daily guests for the

campground and Villa. By definition, supplying such commercial dockage makes it a

marina which is strictly prohibited by Cape Vincent Zoning Law for the Island

District.

Please share this letter with any persons within your agencies that may be reviewing such a permit.

Sincerely,

Christine Martin, christineandadrian@msn.com

Adjacent Property Owner Who Owns Underwater Land in South Bay

3320 Carleton Island Rd. 1 4028 S Malta St.

Cape Vincent, NY 13618 Aurora, CO 80013

David Kernan, Dhkernan@gmail.com

Adjacent Property Owner Who Owns Underwater Land in North and South Bay

David Kernan (William Kernan Carleton Island Club)

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