

## News

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# Restaurant Opens In Jay Schneiderman's Montauk Resort Despite Looming Legal Challenge


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**By Michael Wright**

A restaurant has opened at the Breakers Motel in Montauk for the first time in decades, despite a pending lawsuit that challenges the legality of it.

Some half-dozen State Supreme Court judges have recused themselves from being the one to review the arguments in the suit, a challenge to an April 2015 decision by the East Hampton Town Zoning Board of Appeals that dismissed a claim that reopening the restaurant was illegal.

The lawsuit is now in the hands of State Supreme Court Justice Martha Luft, but it is not known whether she will be the one to rule on the case either.

The handling of the case, according to people familiar with its ins and outs, has been hampered, in part, by judges wishing to avoid the appearance of potential conflicts of interest because they were once part of a political party election slate with the Breakers co-owner, Southampton Town Supervisor Jay Schneiderman, who served six terms as Suffolk County legislator after serving as supervisor in East Hampton Town.

Mr. Schneiderman and his sister, Helen Ficalora, received building permits in 2014 to restore the former restaurant space at the motel. Members of the Concannon family, who own the property that neighbors the motel, asked the town's zoning board to throw out the building permits, claiming that a building inspector who had said the restaurant was still a part of the motel in 2005 had erred.

Their argument claimed that the restaurant—a feature that is a legal accessory to a motel, but requires special permit review by the Planning Board—had been abandoned, and the motel owners should have to apply to the Planning Board for new permission to create one.

Mr. Schneiderman and Ms. Ficalora filed a counter-appeal claiming that the Concannons had violated zoning by expanding one of the family's houses, despite having torn it down completely, which would have voided the pre-existing status of the house in a commercial zone.

The zoning board ruled that both parties—the motel owners by a couple of months, and the Concannons by more than a decade—were too late in filing their appeals. The Concannons filed a legal appeal of that ruling; Mr. Schneiderman and his sister did not.

Because of the hot-potato handling of the case, a ruling has still not been issued, and last month Seamore's, an offshoot of the Brooklyn sustainable seafood restaurant of the same name, opened in the newly renovated restaurant.

Mr. Schneiderman, who noted that the motel is now operated by Ocean Bay Management, said that he suggested Seamore's to the management company specifically because he saw them being a quiet, family-friendly tenant, not a nightlife draw.

"I went out of my way to find an operator that I thought would run a pretty low-key operation, and that is what it has turned out to be," Mr. Schneiderman said. "We're one of only four restaurants in Montauk with ocean views from the dining room, and this restaurant is dedicated to sustainable fisheries—they seemed to fit right in."

