

Jamesport Manor Inn legal saga continues

Friday, March 23 2012 5:34 pm by Denise Civiletti

After several years of legal wrangling, the lawsuit over whether the owners of the Jamesport Manor Inn have the right to a catering facility on their Manor Lane site will go forward.

Riverhead Town and Kar-McVeigh LLC have been ensnared in litigation over the issue for the better part of a decade, when the new owners of the abandoned restaurant sought to reinstate the restaurant use on the site.



In the latest round of the ongoing controversy, an appellate court this week cleared the way for a trial on the merits of the case, according to Riverhead Town Attorney Robert Kozakiewicz.

The appellate division upheld one lower court ruling and overturned another. The appeals panel upheld the denial of the town's motion to dismiss, and simultaneously overturned a lower court decision granting the landowner a default judgment, ruling that the action was stayed by the town's appeal on the motion to dismiss.

The net effect: there will now be a trial to determine whether the construction of a temporary tent and barn for use as a catering facility constitutes a physical extension of a legal pre-existing, nonconforming use.

The stately 18th Century inn, then vacant, was destroyed by fire in 2005, as its new owners were renovating the premises. They rebuilt it and applied for a special permit to allow catering on the premises. The Riverhead Zoning Board of Appeals approved the permit application, but neighbors challenged the ZBA ruling in court, and lost.

The ZBA subsequently denied the application — to construct a temporary tent or a 4,000-square foot barn — for failure to prosecute it, Kozakiewicz said. Kar-McVeigh LLC appealed. The town moved to dismiss the appeal. The motion to dismiss was denied, but the appellate court vacated a default judgment which it said was entered in error because the town's motion to dismiss put the underlying action on hold.

RiverheadLOCAL file photo by Peter Blasl