



236 THIRD STREET  
GREENPORT, NY 11944

Tel: (631)477-0248  
Fax: (631)477-1877

villageofgreenport.org

**MAYOR**  
KEVIN STUESSI  
EXT 215

**TRUSTEES**  
MARY BESS PHILLIPS  
DEPUTY MAYOR

PATRICK BRENNAN

LILY DOUGHERTY-JOHNSON

JULIA ROBINS

**TREASURER**  
ADAM BRAUTIGAM  
EXT. 217

**VILLAGE CLERK**  
CANDACE HALL  
EXT 214

# ZONING BOARD OF APPEALS NOTICE OF DISAPPROVAL

JUN 06 2025

VILLAGE OF GREENPORT  
BUILDING DEPARTMENT

FROM: Village of Greenport Building Department

APPLICANT: MARK RISHE

ADDRESS: 426 CLARK STREET, GREENPORT, NY 11944

SCTM: 1001-007-03-007

DATE: JUNE 6, 2025

FILE #25-034

The building permit application for DECK at the above-mentioned premises has been denied for the following reasons:

The proposed FRONT YARD SETBACK is 8.3' where 30' is required; therefore a 21.7' variance is required.

George Pfriend  
Building Inspector

**COPY**



NOTICE OF DISAPPROVAL

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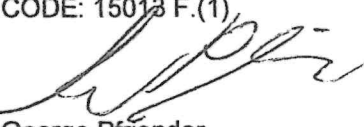
VILLAGE CLERK  
CANDACE HALL  
EXT 214

FROM: Village of Greenport Building Department  
APPLICANT: Marc Rishe  
ADDRESS: 426 Clark Street, Greenport, NY 11944  
SCTM: 007-003-007  
DATE: May 2, 2025

BUILDING PERMIT #24-028

The building permit application for the existing 6' height fence at the above-mentioned premises has been denied for the following reasons:

NO FENCE OR WALL IN A REQUIRED FRONT YARD SHALL HAVE A HEIGHT GREATER THAN FOUR FEET  
CODE: 15013 F.(1)

  
George Pfrander  
Building Inspector

RECEIVED  
JUN 06 2025  
VILLAGE OF GREENPORT  
BUILDING DEPARTMENT



**ZONING BOARD OF APPEALS APPLICATION**

**AREA VARIANCE**

236 Third Street, Greenport, New York, 11944

(631) 477-0248

[www.villageofgreenport.org](http://www.villageofgreenport.org)

Date of Application June 3, 2025

*June 6*

RECEIVED  
JUN 06 2025  
VILLAGE OF GREENPORT  
BUILDING DEPARTMENT

All information below is to be completed by the applicant. This completed application is to be accompanied by the Notice of Disapproval, Copies of Covenants and/or Restrictions, where applicable, Environmental Assessment Form, building plans showing elevations, setbacks, floor plans, room dimensions, details of footings and foundation, and species of lumber and quality of material, where applicable.

**THE OWNER OF THE PROPERTY IS: (PLEASE PRINT CLEARLY)**

Marc	Rishe	67 Sound Cheshire, LP	
First Name	Last Name	Business Name, if applicable	
[REDACTED]		Greenport	NY 11944
Mailing Address	City/ Town/ Village	State	Zip
[REDACTED]	[REDACTED]m		
Phone #	E-Mail Address		

**CONTACT PERSON (if different from owner)**

*The person to receive all correspondence:*

same as above

First Name	Last Name	Business Name, if applicable	
Mailing Address		City/ Town/ Village	State Zip
Phone #	E-Mail Address		

**IF ANYONE OTHER THAN THE OWNER COMPLETES THIS APPLICATION, WRITTEN CONSENT FROM THE OWNER MUST BE SUBMITTED WITH THIS APPLICATION.**

**Location:**

Suffolk County Tax Map Number: 1001 Section: 7 Block: 3 Lot 7  
Street Address: 426 Clark Street Greenport, New York, 11944

Zoning District: ☐ WC ☐ R1 ☒ R2 ☐ PD ☐ CR ☐ CG  
Is property located within the Historic District? ☐ Yes ☒ No



**ZONING BOARD OF APPEALS APPLICATION**  
**AREA VARIANCE**

236 Third Street, Greenport, New York, 11944  
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[www.villageofgreenport.org](http://www.villageofgreenport.org)

The Code Official reviewed and denied an application dated May 2, 2025 for a Building Permit for  
the location specified on this application. and  
June 6, 2025

**Provisions of the Zoning Code appealed:**  
(Indicate Article, Section and Subsection of Zoning Code by numbers)

Article: VI Section: 150 - 12 Subsection: A  
AND VI 13 F1

Type of appeal made for:

☒ A Variance to the Zoning Code or Zoning Map.  
☐ An interpretation of the Village Code Article: \_\_\_\_\_ Section: \_\_\_\_\_ Subsection: \_\_\_\_\_

Has a prior appeal been made at any time with respect to this property? ☐ Yes ☐ No ☐ I Don't Know  
If yes, please provide the date appeal was made: \_\_\_\_\_

**Project Description:**

For Demolition of Existing Building Areas:  
Please describe area being removed:

None

New Construction Areas (New Dwelling or New Addition/Extensions)

Dimensions of First Floor (Addition/Extension): 254 SF - DECK

Dimensions of Second Floor: \_\_\_\_\_

Height (from finished grade to top of ridge): 3 - Feet, 0 - Inches

Is basement or lowest floor area being constructed? ☐ Yes ☒ No  
If yes, please provide height (above ground) measured from natural existing grade to first floor:  
\_\_\_\_\_ - Feet, \_\_\_\_\_ - Inches.



## **ZONING BOARD OF APPEALS APPLICATION**

### **AREA VARIANCE**

236 Third Street, Greenport, New York, 11944

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#### **Project Description: (CONTINUED)**

##### **Proposed Construction Description: (Alteration or Structural Changes)**

Number of floors BEFORE alterations: 2

Describe General Characteristics BEFORE alterations: **Single Family Dwelling**

Number of floors AFTER Alterations: 2

Describe General Characteristics AFTER alterations:

**Single Famile Dwelling with Deck**

##### **Calculations of Building Areas and Lot Coverage:**

Existing Square Footage of Building(s) on this property: 1213.5 SF

Proposed Increase in Building Coverage: 254 SF

Square Footage of this Lot: 4885 SF

Percentage of Coverage of this Lot by Building Area: 30 %

##### **Purpose of New Construction:**

*Please describe:*

Applicant proposes to construct a 254 SF deck in the rear of the home.  
Applicant also requests variance for existing 6' fence in front yard of property.  
Please see attached supplement for additional information.



## **ZONING BOARD OF APPEALS APPLICATION**

### **AREA VARIANCE**

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#### **Area Variance Reasons for Appeal:**

Please answer in detail. *Additional sheets may be submitted with preparers signature.*

Will an undesirable change occur in the characteristics of the neighborhood or will a detriment to nearby properties be created by the granting of this area variance?

No. Deck is situated behind the home. Although considered a front yard due to it's location on a corner lot, the deck is functionally in the rear of the home. Additionally, fence shields the rear yard of the home from passersby on 5th Street.

Can the benefit sought by the Applicant be achieved by another method, feasible for the Applicant to pursue, other than an Area Variance?

No. It is not practical to replace the existing fence with landscape screening as the existing lot is small and additional plantings will reduce the usable area of the property.

Is the requested Area Variance substantial?

No

Will the requested Area Variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

No. In fact the fence has a beneficial impact on the area because it will shield the public from the rear yard of the home.

Was the alleged difficulty self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the Area Variance?

No. The non conforming fence has been existing for many years without being served any code enforcement violations.

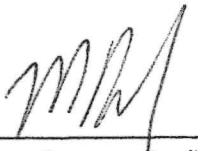
Are there Covenants or Restrictions concerning this land? ☐ Yes ☒ No

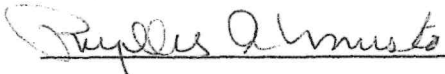
*If yes, please furnish copies.*

AFFIDAVIT

Village of Greenport )  
Town of Southold )  
County of Suffolk ) ss  
State of New York )

I swear that to the best of my knowledge and belief that the statements contained in this application, together with the plans and specifications submitted, are true and complete statements of proposed work to be done on the described premises and that all provisions of the Building Code, Zoning Code, and all other laws pertaining to the proposed work shall be complied with, whether specified of not, and that such work and inspections are authorized by the owner. The Village of Greenport is hereby granted permission to enter the property listed as the "Location" for the purposes of inspecting my property for a site visit. I understand that if approved, this Area Variance will be granted and accepted on condition that the provisions of Federal, State and Local rules and regulations, and any additional requirements of the Area Variance are complied with. Any violation of all applicable codes, or deviations from the approved plans may result in the immediate revocation of this Area Variance & legal action taken against me. No responsibility rests upon the Village of Greenport, Code Enforcement, the Fire Marshal or the Fire Department by reason of this application and permit.

Sworn to be before this 8<sup>th</sup> day June 20 25 Signature   
Owner or Applicant

  
Notary Public, Suffolk County, New York

James A. Musto  
Notary Public State of New York  
No. 4521041  
Qualified in Suffolk County  
Commission Expires June 30, 20 26

Re: 426 Clark Street  
Supplement to Variance Application Dated June 6, 2025  
Scope of Work/Request for Relief

The applicant seeks relief from front yard requirements to maintain an existing 6-foot privacy fence and to construct a deck on a corner lot at 5th and Clark Streets.

#### **FENCE**

The fence—installed by a prior owner—is located along 5th Street. While technically in a front yard per zoning definitions, it encloses the rear yard relative to the house’s orientation. The fence does not impede visibility at the corner, complies with sight triangle requirements, and provides necessary privacy and screening from passersby, benefiting both the homeowner and the streetscape.

#### **DECK**

The proposed deck will also be located in a technical front yard due to the corner lot designation. However, it will be primarily situated at the rear of the home, with the structure of the house itself positioned between the deck and both front lot lines. The small portion of the deck that extends beyond the rear of the house serves only to provide functional access to an existing entry and yard steps. The deck will be constructed to sit no more than 36 inches above grade, and efforts will be made to keep it below 30 inches to the extent feasible, minimizing visibility and impact.

In both cases, the requested variances account for the unique configuration of the corner lot and are consistent with the intent of the zoning code. The fence and deck are in character with the surrounding residential neighborhood and do not compromise public safety, visibility, or aesthetics.



67 Sand Cheshire LP

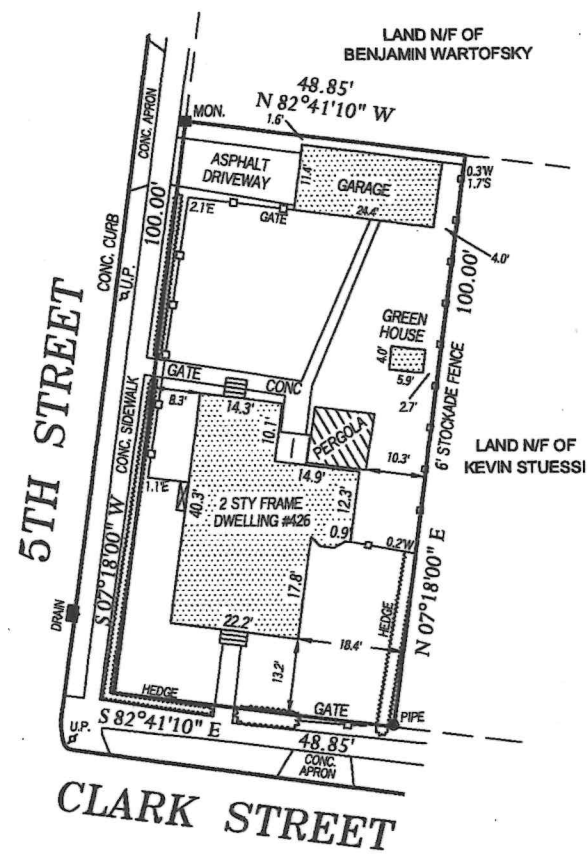
Owner of 426 Clark Street, Greenport, NY 11944

List of General Partners

Susan Hewitt

Jenifer Steig

Marc Rishe

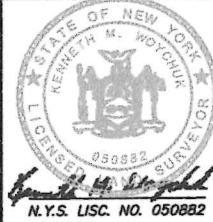


THE WATER SUPPLY, WELLS, DRYWELLS AND CESSPOOL LOCATIONS SHOWN ARE FROM FIELD OBSERVATIONS AND OR DATA OBTAINED FROM OTHERS.  
ELEVATION DATUM: \_\_\_\_\_

AREA: 4,885.00 SQ.FT. or 0.11 ACRES

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY. GUARANTEES INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. GUARANTEES ARE NOT TRANSFERABLE.  
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SURVEY OF: DESCRIBED PROPERTY  
MAP OF:  
FILED:  
SITUATED AT: GREENPORT  
TOWN OF: SOUTHOLD  
SUFFOLK COUNTY, NEW YORK

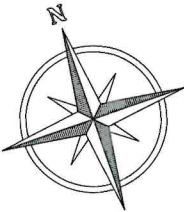


CERTIFIED TO: 67 SOUND CHESHIRE LP;  
RAM ABSTRACT LTD.  
FIRST AMERICAN TITLE INSURANCE COMPANY;

FILE #224-87 SCALE: 1"=20' DATE: AUG 7, 2024

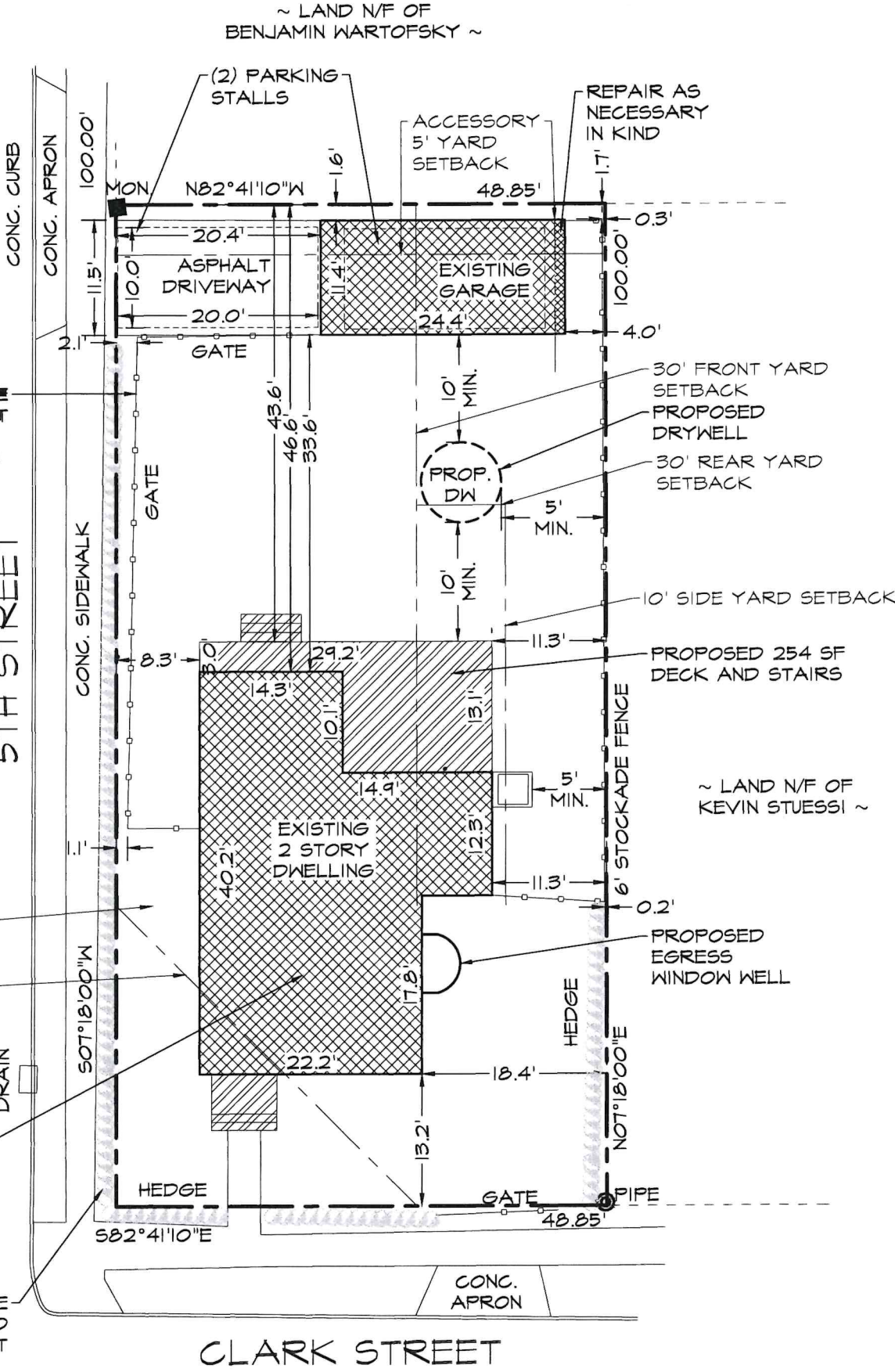
**KENNETH M WOYCHUK LAND SURVEYING, PLLC**  
Professional Land Surveying and Design  
P.O. Box 153 Aquebogue, New York 11931  
PHONE (631) 298-1688 FAX (631) 298-1688

**SITE LAYOUT NOTES:**  
1. THIS IS AN ARCHITECT'S SITE PLAN & IS SUBJECT TO VERIFICATION BY A LICENSED SURVEYOR. THE INFORMATION REPRESENTED ON THIS SITE PLAN IS TO THE ARCHITECT'S BEST OF KNOWLEDGE.  
2. SURVEY INFORMATION WAS OBTAINED FROM A SURVEY DATED AUGUST 7, 2024 AND PREPARED BY:  
  
KENNETH WOYCHUCK LAND SURVEYING  
PO BOX 153  
AQUEBOGUE, NY 11931



Existing Fence to Remain

30' FRONT YARD SETBACK  
150-13 RESIDENCE DISTRICT REGULATIONS: OBSTRUCTION TO VISION AT STREET INTERSECTIONS.  
PROPOSED FIRST FLOOR INTERIOR RENOVATIONS; PROPOSED SECOND FLOOR ADDITIONS TO REMAIN WITHIN EXISTING F.F. FOOTPRINT  
EXISTING SHRUBS TO BE REDUCED AND MAINTAINED AT 30" HEIGHT



PROJECT / ZONING DATA	
TAX MAP #	1001-007-03-07
ZONING DISTRICT	R-2
LOT AREA	0.1 ACRES
CoFO EXISTING DWELLING & DETACHED GARAGE	DECEMBER 5, 1996
CoFO 6' X 12' EXTENSION (UPPER DECK)	DECEMBER 5, 1996
VARIANCE APPROVAL	PENDING

ZONING REGULATIONS MAIN BUILDING				
GREENPORT VILLAGE CODE 150-12 (A) & 150-13 (B)				
		EXIST.	PROPOSED	COMPLIES
MIN. FRONT YARD (CLARK STREET)	30.0'	13.2'	13.2'	NO
MIN. FRONT YARD (5TH STREET)	30.0'	8.3'	8.3'	NO
MIN. SIDE YARD	10.0'	11.3'	11.3'	YES
MIN. REAR YARD	30.0'	46.6'	43.6'	YES
MAXIMUM HEIGHT	35.0'	25'	25'	YES

LOT COVERAGE		
GREENPORT VILLAGE CODE 150-12 (A)		
DESCRIPTION (FOOTPRINT)	AREA	% LOT COVERAGE
TOTAL LOT AREA	4,885.0 S.F.	
EXISTING 2 STORY DWELLING	899.0 S.F.	18.4%
EXISTING GARAGE	278.0 S.F.	5.7%
PROPOSED FRONT ENTRY STOOP	36.5 S.F.	0.7%
PROPOSED REAR DECK	254.0 S.F.	5.2%
TOTAL AREA OF ALL STRUCTURES	1,467.5 S.F.	30.0%
MAXIMUM LOT COVERAGE ALLOWED: 30%		

PROPOSED SITE PLAN

SCALE: 1" = 15'-0"

PROPOSAL FOR:

426 CLARK  
RENOVATION

426 CLARK ST  
GREENPORT 11944

DATE: 05/14/25

PAGE: SD-1

AMP Architecture  
Design + Build

THESE PLANS ARE FOR DESIGN PURPOSES ONLY AND SHALL NOT BE USED FOR CONSTRUCTION. THE DESIGNS PRESENTED HEREIN ARE THE PROPERTY OF AMP ARCHITECTURE, LLC AND SHALL NOT BE DUPLICATED WITHOUT WRITTEN AUTHORIZATION FROM AMP ARCHITECTURE, LLC. THESE PLANS ARE PROTECTED AGAINST ANY UNAUTHORIZED USE UNDER FEDERAL LAW BY THE ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT OF 1990 (AWCPA), WHICH HAS SEVERE PENALTIES.