



TOWN OF WAPPINGER  
AREA VARIANCE(S) APPLICATION

APPLICATION TO ZONING BOARD OF APPEALS  
TOWN OF WAPPINGER, DUTCHESS COUNTY, NEW YORK

Appeal # 26-7871  
Date: 5-15-26  
Fee: \$ 375.00  
Escrow: \_\_\_\_\_

TO THE ZONING BOARD OF APPEALS, TOWN OF WAPPINGER, NEW YORK:

I (We) Joseph & Kelly Milano, of  
(Name of Appellant(s))  
60 Degarmo Hills Rd Wappinger Falls, NY 12590, 845-518-0345 (Kelly)  
(Mailing Address) (Tel. Nos. Home/Work)

HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE  
DECISION/ACTION OF THE ZONING ADMINISTRATOR, DATED 4/14, 2026  
AND DO HEREBY APPLY FOR AN AREA VARIANCE(S).

Premises located at 60 Degarmo Hills Rd Wappinger Falls, NY 12590  
(Address of Property)  
6258-02-775-899 R20  
(Grid Nos.) (Zoning District)

1. RECORD OWNER OF PROPERTY Joseph & Kelly Milano  
(Name)  
60 Degarmo Hills Rd Wappinger Falls NY 845-518-0345  
(Address) (Phone Number)

OWNER CONSENT: Dated: 4/21/26 Signature: Kelly J Milano  
Printed: Kelly Milano

THE APPLICANTS APPEAL, AS PERMITTED BY STATE LAW, CONCERNS THE FOLLOWING:

- DENIAL OF A BUILDING PERMIT – NEW STRUCTURE
- DENIAL OF A BUILDING PERMIT - TO CURE A VIOLATION
- TOWN OF WAPPINGER PLANNING BOARD

VARIANCE REQUESTED FOR THE CONSTRUCTION OF: Deck

VARIANCE REQUESTED FOR THE LEGALIZATION OF: Deck

DATE OF ZONING ENFORCEMENT LETTER: 4/14/26

STATE THE REASON YOU ARE APPLYING FOR THE VARIANCE(S): To allow us to replace a deck that was there prior to us purchasing the home in 2016. The old deck has been torn down.

2. **VARIANCE(S) REQUEST:**

**VARIANCE NO. 1**

I (WE) HEREBY APPLY TO THE ZONING BOARD OF APPEALS FOR A VARIANCE(S) OF THE FOLLOWING REQUIREMENTS OF THE ZONING ORDINANCE.

240-37

*(Indicate Article, Section, Subsection and Paragraph)*

REQUIRED: 20 ft. side yard  
REQUIRED SETBACK: 20 ft - side yard  
APPLICANT(S) CAN PROVIDE: 12 ft side yard  
THUS REQUESTING A VARIANCE OF: 8 ft side yard  
TO ALLOW: Deck to be built

**VARIANCE NO. 2**

I (WE) HEREBY APPLY TO THE ZONING BOARD OF APPEALS FOR A VARIANCE(S) OF THE FOLLOWING REQUIREMENTS OF THE ZONING ORDINANCE.

*(Indicate Article, Section, Subsection and Paragraph)*

REQUIRED SETBACK: \_\_\_\_\_  
APPLICANT(S) CAN PROVIDE: \_\_\_\_\_  
THUS REQUESTING A VARIANCE OF: \_\_\_\_\_  
TO ALLOW: \_\_\_\_\_

**VARIANCE NO. 3**

I (WE) HEREBY APPLY TO THE ZONING BOARD OF APPEALS FOR A VARIANCE(S) OF THE FOLLOWING REQUIREMENTS OF THE ZONING ORDINANCE.

*(Indicate Article, Section, Subsection and Paragraph)*

REQUIRED SETBACK: \_\_\_\_\_  
APPLICANT(S) CAN PROVIDE: \_\_\_\_\_  
THUS REQUESTING A VARIANCE OF: \_\_\_\_\_  
TO ALLOW: \_\_\_\_\_

**APPEAL CONCERNS THE FOLLOWING PROPERTY - RESIDENTIAL PROPERTIES ONLY**  
**ENTIRE SECTION MUST BE COMPLETED**  
**STRUCTURES UNDER 144 SF, REQUIRE ONLY 10 FT TO THE SIDE AND REAR PROPERTY LINES**

Zoning District: <u>R20</u>	Minimum allowed by Town Code	Current Setback	New Setback	Variance Required
<b>Front Yard Setback</b> (R-10, 25 ft) (R-15 & R-20 - 35 ft) (R-40 & R-80, 50ft.) (R3-A, 75 ft) (R-5A -- 100ft.) (RMF-3 & RMF-5, 50 ft.)  STATE OR COUNTY ROADS REQUIRE A 75 FT FRONT SETBACK IN ALL DISTRICTS	ft.	ft. in.	ft. in.	ft. in.
<b>Rear Yard Setback</b> (R-10, 25 ft) (R-15, 30ft) (R-20 - 40 ft) (R-40 & R-80, 50ft.) (R3-A, 50 ft) (R-5A -- 100 ft.) (RMF-3 & RMF-5, 50 ft.)	ft.	ft. in.	ft. in.	ft. in.
<b>Side Yard Setback</b> (R-10, 12 ft) (R-15, 15 ft) (R-20, 20 ft) (R-40, 25 ft) (R-80, 40 ft.) (R3-A, 50 ft) (R-5A, 50 ft.) (RMF-3, 50 ft.) (RMF-5, 25 ft.)	<u>20</u> ft	<u>20</u> ft. <u>0</u> in	<u>12</u> ft. <u>0</u> in	<u>8</u> ft. <u>0</u> in
<b>Maximum building coverage</b> (R-10, 25%) (R-15, 20%) (R-20, 15%) (R-40, 12%) (R-80, 10%) (R3-A, 7%) (R-5A, 5%) (RMF-3, 30%.) (RMF-5, 45%)	%	%	%	%

3. **REASON FOR APPEAL** (Please substantiate the request by answering the following questions in detail. Use extra sheet, if necessary):

- A. IF YOUR VARIANCE(S) IS (ARE) GRANTED, HOW WILL THE CHARACTER OF THE NEIGHBORHOOD OR NEARBY PROPERTIES CHANGE? WILL ANY OF THOSE CHANGES BE UNDESIRABLE OR A DETRIMENT TO THE NEIGHBORHOOD? PLEASE EXPLAIN YOUR ANSWER IN DETAIL.

There was a deck here when we purchased the house in 2010 that infringed upon the required setback more than what we are asking for now. The old deck ~~didn't~~ didn't create a detriment to the neighborhood so this one certainly won't. We are also upgrading from wood to Trex.

- B. PLEASE EXPLAIN WHY YOU NEED THE VARIANCE(S). IS THERE ANY WAY TO REACH THE SAME RESULT WITHOUT A VARIANCE(S)? PLEASE BE SPECIFIC IN YOUR ANSWER.

We need the variance to replace a pre-existing deck our home is 20ft. from property line so any deck off our side door would require a variance. We also need it to close the gap in the fence between the house and fence → keeping our pool enclosed as well.

- C. HOW BIG IS THE CHANGE FROM THE STANDARDS SET OUT IN THE ZONING LAW? IS THE REQUESTED AREA VARIANCE(S) SUBSTANTIAL? IF NOT, PLEASE EXPLAIN, IN DETAIL, WHY IT IS NOT SUBSTANTIAL.

We don't believe it is substantial as it is less than half of the required setback. The variance will not mean the deck is substantially closer to another structure as it is next to a private road. The deck we are proposing is a replacement and will not be as close to the property line as the previous one.

- D. IF YOUR VARIANCE(S) IS (ARE) GRANTED, WILL THE PHYSICAL ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BE IMPACTED? PLEASE EXPLAIN, IN DETAIL, WHY OR WHY NOT.

NO - there was a deck there previously that was closer to the property line that didn't impact environmental conditions of the neighborhood or district.

E. HOW DID YOUR NEED FOR AN AREA VARIANCE(S) COME ABOUT? IS YOUR DIFFICULTY SELF-CREATED? PLEASE EXPLAIN YOUR ANSWER IN DETAIL.

We are replacing a deck that was built prior to us buying the house in 2010. We need the deck to enclose the rest of the yard as we have a pool. We also need it to provide a safe way to exit from our side door.

Property within 500' of any of the following? If so, they are to be notified.

- Town of Fishkill     Town of Poughkeepsie     Town of East Fishkill  
 Village of Wappinger     Town of LaGrange  
 State or County Road (Rt 9, Rt 9D, Rt 376, DC Route 28, DC Rt 92, DC Rt 93, DC Rt 94, DC Rt 104 and DC Rt 1

4. LIST OF ATTACHMENTS (Check applicable information)

- SURVEY DATED 7/29/15, LAST REVISED 4/1/25 AND PREPARED BY Robert L. Campbell.  
 PLOT PLAN DATED 4-21-26. (Bea Ogunti advised you have this already)  
 PHOTOS  
 DRAWINGS DATED \_\_\_\_\_ . (Bea Ogunti advised you have this already)  
 LETTER OF COMMUNICATION WHICH RESULTED IN APPLICATION TO THE ZBA.

(e.g., recommendation from the Planning Board / Zoning Denial)

LETTER FROM Barbara Roberti DATED: 4-14-26  
 LETTER FROM \_\_\_\_\_ DATED: \_\_\_\_\_

OTHER (please list): \_\_\_\_\_

**5. SIGNATURE AND VERIFICATION**

PLEASE BE ADVISED THAT NO APPLICATION CAN BE DEEMED COMPLETE  
UNLESS SIGNED BELOW.

THE APPLICANT HEREBY STATES THAT ALL INFORMATION GIVEN IS  
ACCURATE AS OF THE DATE OF APPLICATION

SIGNATURE Kelly J. Muro DATED: 5/6/20  
*(Appellant)*

SIGNATURE [Signature] DATED: 5/6/20  
*(If more than one Appellant)*

.....  
.....

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

1. THE REQUESTED VARIANCE(S)  WILL /  WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD.
2.  YES /  NO, SUBSTANTIAL DETRIMENT WILL BE CREATED TO NEARBY PROPERTIES.
3. THERE  IS (ARE) /  IS (ARE) NO OTHER FEASIBLE METHODS AVAILABLE FOR YOU TO PURSUE TO ACHIEVE THE BENEFIT YOU SEEK OTHER THAN THE REQUESTED VARIANCE(S).
4. THE REQUESTED AREA VARIANCE(S)  IS (ARE) /  IS (ARE) NOT SUBSTANTIAL.
5. THE PROPOSED VARIANCE(S)  WILL /  WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT.
6. THE ALLEGED DIFFICULTY  IS /  IS NOT SELF-CREATED.

**CONCLUSION: THEREFORE, IT WAS DETERMINED THE REQUESTED VARIANCE  
BE  
 GRANTED  DENIED.**

Reasons: \_\_\_\_\_  
\_\_\_\_\_

The ZBA further finds that a variance of \_\_\_\_\_ from Section of the Zoning Code \_\_\_\_\_ is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:  
\_\_\_\_\_  
\_\_\_\_\_

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the following reasons:

Condition No. 1. \_\_\_\_\_  
\_\_\_\_\_

Adverse impact to be minimized: \_\_\_\_\_  
\_\_\_\_\_

Condition No. 2: \_\_\_\_\_  
\_\_\_\_\_

Adverse impact to be minimized: \_\_\_\_\_  
\_\_\_\_\_

( ) FINDINGS & FACTS ATTACHED.

DATED: \_\_\_\_\_

ZONING BOARD OF APPEALS  
TOWN OF WAPPINGER, NEW YORK

BY: \_\_\_\_\_  
(Chairman)

PRINT: \_\_\_\_\_

**RECORD OF VOTE**

	MEMBER NAME	AYE	NAY
Chair	John Lorenzini	_____	_____
Co-Chair	David Barr	_____	_____
Member	Tom DellaCorte	_____	_____
Member	Don Denardo	_____	_____
Member	Christopher Hernandez	_____	_____

**TOWN OF WAPPINGER**  
**ZONING BOARD OF APPEALS**  
**OWNER'S CONSENT**  
**AFFIDAVIT TO BE COMPLETED BY OWNER**

State of New York }  
County of Dutchess } ss:

Kelly Milano & Joseph Milano being duly sworn, deposes and says:

1. That I/we are the Owner(s) of the within property as described in the foregoing application for Zoning Board of Appeals approval(s) and that the statements contained therein are true to the best of my/our knowledge and belief.
2. That I/we hereby authorize Kelly Milano or Joseph Milano, to act as my/our representative in all matters regarding said application(s), and that I/we have the legal right to make or authorize the making of said application.
3. That I/we understand that by submitting this application for Zoning Board of Appeals approval that I/we expressly grant permission to the Zoning Board of Appeals and its authorized representatives to enter upon the property, at all reasonable times, for the purpose of conducting inspections and becoming familiar with site conditions. I/we acknowledge that this grant of permission may only be revoked by the full withdrawal of said application from further Zoning Board of Appeals action.
4. That I/we understand that by submitting this application I/we shall be responsible for the payment of all application fees, review fees, and inspection fees incurred by the Town related to this application.
5. That I/we understand that I/we, and any of our contractors and representatives shall be jointly and severally liable for all costs incurred, including environmental restoration costs, resulting from non-compliance with the approved application, and with non-compliance with any provision of the
6. Town Code. I/we acknowledge that approval of the plan and commencement of any work related to the approved application shall constitute express permission to the Zoning Board of Appeals, the Building Inspector, the Planning Department, the Zoning Administrator, and any duly authorized representative of the Town of Wappinger, to enter the property for the purposes of inspection for compliance with the approved application and any provision of the Town Code, whether or not any other permits have been applied for or issued for the project. I/we acknowledge that by submitting this application, and by approval of said application, including the commencement of any work related to the approved plan is an express waiver of any objection to authorized Town official(s) entering the property for the purpose of conducting inspections.
7. That I/we understand that the Zoning Board of Appeals intends to rely on the foregoing representations in making a determination to issue the requested applications and approvals and that under penalty of perjury I/we declare that I/we have examined this affidavit and that it is true and correct.

Kelly Milano  
Kelly Milano  
Applicant/Owner

[Signature]  
Applicant/Owner

Lee A. Freno  
Notary Public

Lee A. Freno  
Notary Public, State of New York  
No. 01FR6327313  
Qualified in Dutchess County  
Commission Expires 7/8/2027

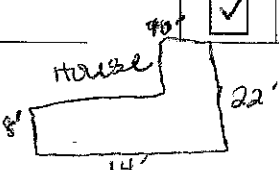
# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: <b>Deck-Legalization L-shaped</b>			
Project Location (describe, and attach a location map): <b>60 Degarmo Hills Rd, Wappinger Falls - Side yard</b>			
Brief Description of Proposed Action: <b>Deck rebuild - curing a violation. Replacing an L shaped deck on side and rear of home. Previous owners never obtained permit for the original deck we tore down in the fall.</b>			
Name of Applicant or Sponsor: <b>Kelby Milano &amp; Joseph Milano</b>		Telephone: <b>845-518-0345</b>	
		E-Mail: <b>Klear52@yahoo.com</b>	
Address: <b>60 Degarmo Hills Rd</b>			
City/PO: <b>Wappinger Falls</b>		State: <b>NY</b>	Zip Code: <b>12590</b>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ acres	
b. Total acreage to be physically disturbed?		<b>less than .05</b> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

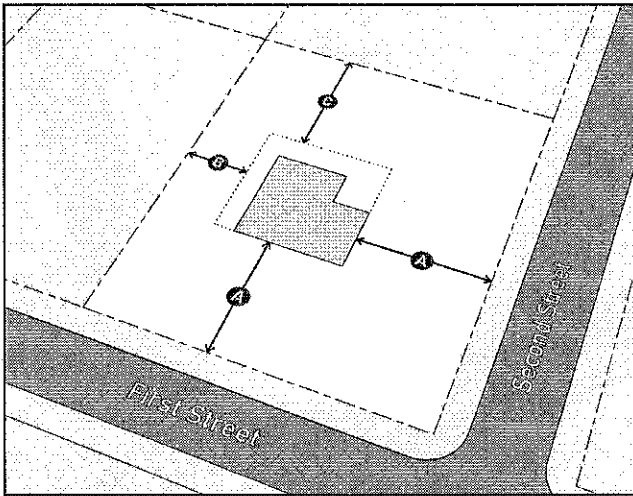
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input checked="" type="checkbox"/> <input type="checkbox"/>	N/A <input type="checkbox"/> <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>Kelley Milano</u> Date: <u>5/16/20</u> Signature: <u>Kelley J. Milano</u> Title: <u>Owner</u>		

## R-40 One-Family Residence District

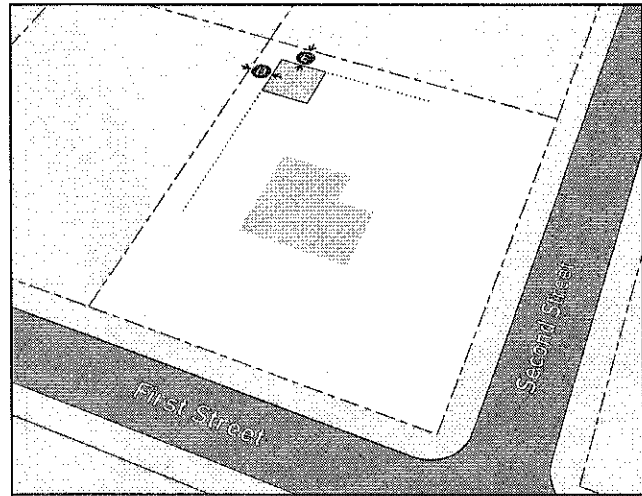
# Building Placement and Composition

### CORNER LOT



#### PRIMARY BUILDING SETBACKS

<b>A</b> Front yard from front line of street [min]	50'
<b>B</b> Side yard [min]	25'
<b>C</b> Rear yard [min]	50'



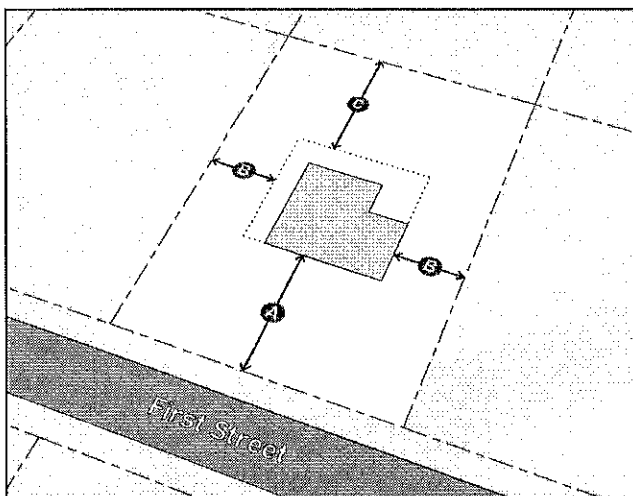
#### ACCESSORY BUILDING SETBACKS

Accessory Building < 15' high and < 144 sq.ft.

<b>D</b> Side yard [min]	10'
<b>E</b> Rear yard [min]	10'

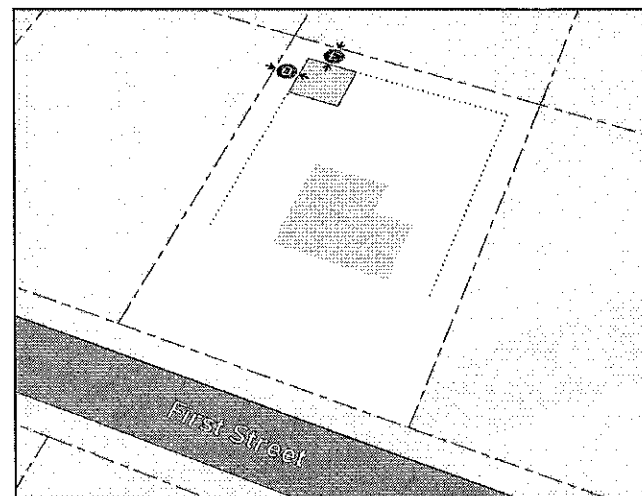
- Notes • For a Corner Lot, the back yard and side yard can be determined by the Owner in consultation with the building department. This decision is then formalized by the placement of an accessory structure such as a shed, garage, pool, etc.  
 • Accessory structures above this size must comply with the primary structure setback requirements.

### INTERIOR LOT



#### PRIMARY BUILDING SETBACKS

<b>A</b> Front yard from front line of street [min]	50'
<b>B</b> Side yard [min]	25'
<b>C</b> Rear yard [min]	50'



#### ACCESSORY BUILDING SETBACKS

Accessory Building < 15' high and < 144 sq.ft.

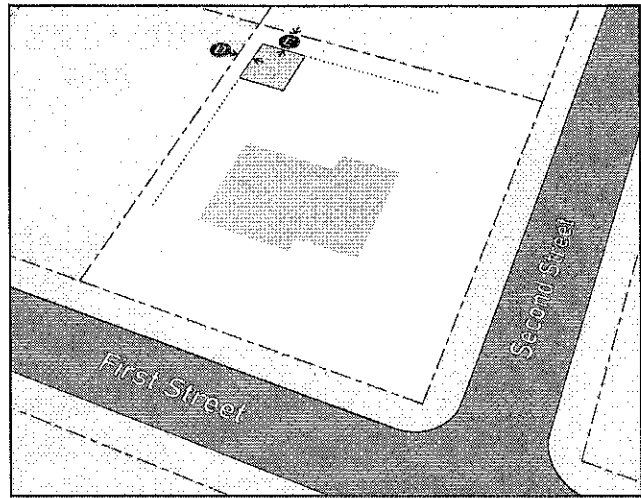
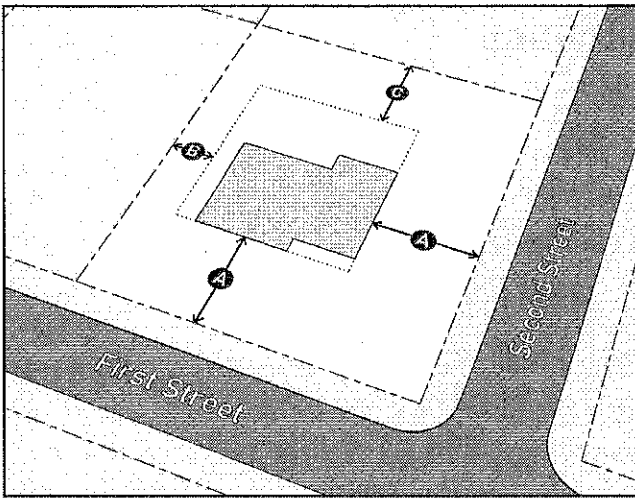
<b>D</b> Side yard [min]	10'
<b>E</b> Rear yard [min]	10'

- Note • Accessory structures above this size must comply with the primary structure setback requirements.

# R-15 One-Family Residence District

## Building Placement and Composition

### CORNER LOT



#### PRIMARY BUILDING SETBACKS

<b>A</b> Front yard from front line of street [min]	35'
<b>B</b> Side yard [min]	15'
<b>C</b> Rear yard [min]	30'

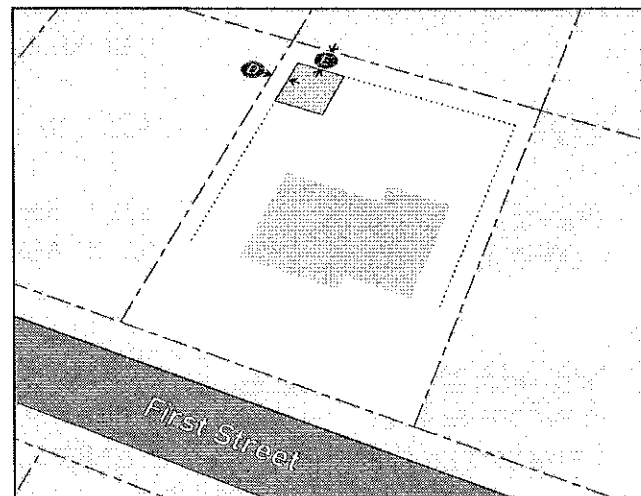
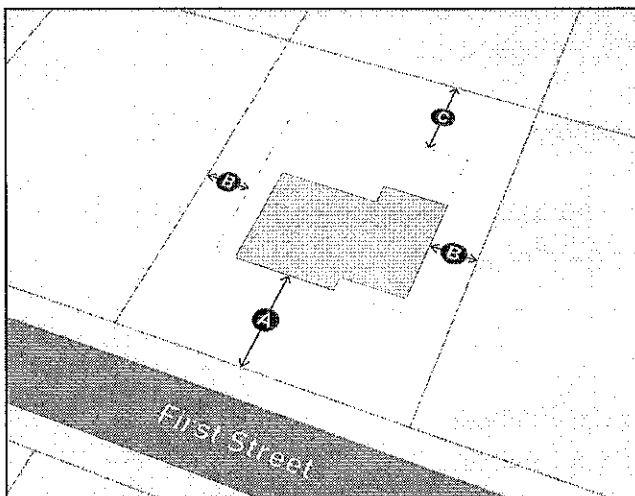
#### ACCESSORY BUILDING SETBACKS

Accessory Building < 15' high and < 144 sq.ft.

<b>D</b> Side yard [min]	6'
<b>E</b> Rear yard [min]	10'

- Notes • For a Corner Lot, the back yard and side yard can be determined by the Owner in consultation with the building department. This decision is then formalized by the placement of an accessory structure such as a shed, garage, pool, etc.  
 • Accessory structures above this size must comply with the primary structure setback requirements.

### INTERIOR LOT



#### PRIMARY BUILDING SETBACKS

<b>A</b> Front yard from front line of street [min]	35'
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<b>C</b> Rear yard [min]	30'

#### ACCESSORY BUILDING SETBACKS

Accessory Building < 15' high and < 144 sq.ft.

<b>D</b> Side yard [min]	6'
<b>E</b> Rear yard [min]	10'

- Note • Accessory structures above this size must comply with the primary structure setback requirements.

**Town of Wappinger**  
20 Middlebush Rd.  
Wappingers Falls, NY 12590  
(845) 297-6256

To: Milano, Joseph  
60 Degarmo Hills Rd  
Wappinger Falls, NY

SBL: 6258-02-775899-0000  
Date of this Notice: 04/14/2026  
Zone:  
Application: 46601

For property located at: 60 Degarmo Hills Rd

Your application to:

**DECK - LEGALIZATION L-SHAPED DECK \*\*NEED FOOTING, FRAMING AND FINAL INSPECTION BY TOWN BUILDING INSPECTOR\*\***

is denied for the following deficiency under Section **240-37** of the Zoning Laws of the Town of Wappinger.

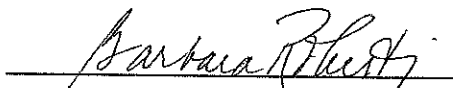
Where 20 feet to the side property line is required, the applicant is proposing a new deck 12 feet from the side property line.

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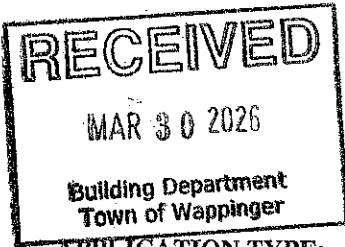
	REQUIRED:	WHAT YOU CAN PROVIDE:
REAR YARD:	_____ ft.	_____ ft.
SIDE YARD (LEFT):	_____ ft.	_____ ft.
SIDE YARD (RIGHT):	<u>20</u> ft.	<u>12</u> ft.
FRONT YARD:	_____ ft.	_____ ft.
SIDE YARD (LEFT):	_____ ft.	_____ ft.
SIDE YARD (RIGHT):	_____ ft.	_____ ft.

You have the right to appeal this decision to the Zoning Board of Appeals within 60 days of the date of this letter. This Zoning Board of Appeals meets the second and fourth Tuesday of the month. The area variance appeal will require at least two meetings, one for discussion and one for a Public Hearing. The required forms can be obtained at this office or on our website at [www.townofwappingerny.gov](http://www.townofwappingerny.gov)

Very Truly,



Zoning Administrator  
Town of Wappinger



**TOWN OF WAPPINGER BUILDING DEPARTMENT**

20 Middlebush Road, Wappingers Falls, N.Y. 12590

telephone: 845-297-6256 fax: 845-297-0579

**APPLICATION FOR BUILDING PERMIT**

APPLICATION TYPE:  Residential ZONE: R20 DATE: 3/15/26  
 New Construction  Commercial APPL #: 46601 PERMIT # \_\_\_\_\_  
 Renovation/Alteration  Multiple Dwelling GRID: 6258-02-775899

APPLICANT NAME: Hudson Valley Property Bros LLC  
ADDRESS: 5109 Rt 9w Suite Newburgh NY 12550  
TEL #: \_\_\_\_\_ CELL: 845-616-4399 FAX #: \_\_\_\_\_ E-MAIL: HudsonValleyPropertyBros@gmail.com

NAME OWNER OF BUILDING/LAND: Kelly & Joe Milano  
\*PROJECT SITE ADDRESS\*: 60 Degarmo Hill Rd  
MAILING ADDRESS: 60 Degarmo Hill Rd  
TEL #: \_\_\_\_\_ CELL: 845-518-0346 FAX #: \_\_\_\_\_ E-MAIL: Klear527@yahoo.com

BUILDER/CONTRACTOR DOING WORK:  
COMPANY NAME: Hudson Valley Property Bros LLC  
ADDRESS: 5109 Rt 9w Suite 2 Newburgh NY 12550  
TEL #: \_\_\_\_\_ CELL: 845-616-4399 FAX #: \_\_\_\_\_ E-MAIL: HudsonValleyPropertyBros@gmail.com

DESIGN PROFESSIONAL NAME: \_\_\_\_\_  
TEL #: \_\_\_\_\_ CELL: \_\_\_\_\_ FAX #: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

APPLICATION FOR: L Shape Deck 335 sq ft  
\* legalization \* ? (cv)

SETBACKS: FRONT: \_\_\_\_\_ REAR: \_\_\_\_\_ L-SIDEYARD: \_\_\_\_\_ R-SIDEYARD: 12'  
SIZE OF STRUCTURE: 8ft x 25 ft 10x16  
ESTIMATED COST: \$ 95,000.00 TYPE OF USE: \_\_\_\_\_

NON-REFUNDABLE APPL. FEE: 150 PAID ON: 4/7/26 CHECK # 1162 RECEIPT #: 2026-00389  
BALANCE DUE: \_\_\_\_\_ PAID ON: \_\_\_\_\_ CHECK # \_\_\_\_\_ RECEIPT #: \_\_\_\_\_

APPROVALS:  
ZONING ADMINISTRATOR:  
O Approved O Denied Date: 4/14/26  
[Signature]

FIRE INSPECTOR:  
O Approved O Denied Date: \_\_\_\_\_  
\_\_\_\_\_  
Signature of Building Inspector

Signature of Applicant  
Hudson Valley Property Bros  
Print Name or Company Name(if applicable)

# TOWN OF WAPPINGER PLOT PLAN

Building Permit # \_\_\_\_\_

Date 3/15/26

Address: 600 Degarmo Hills Rd

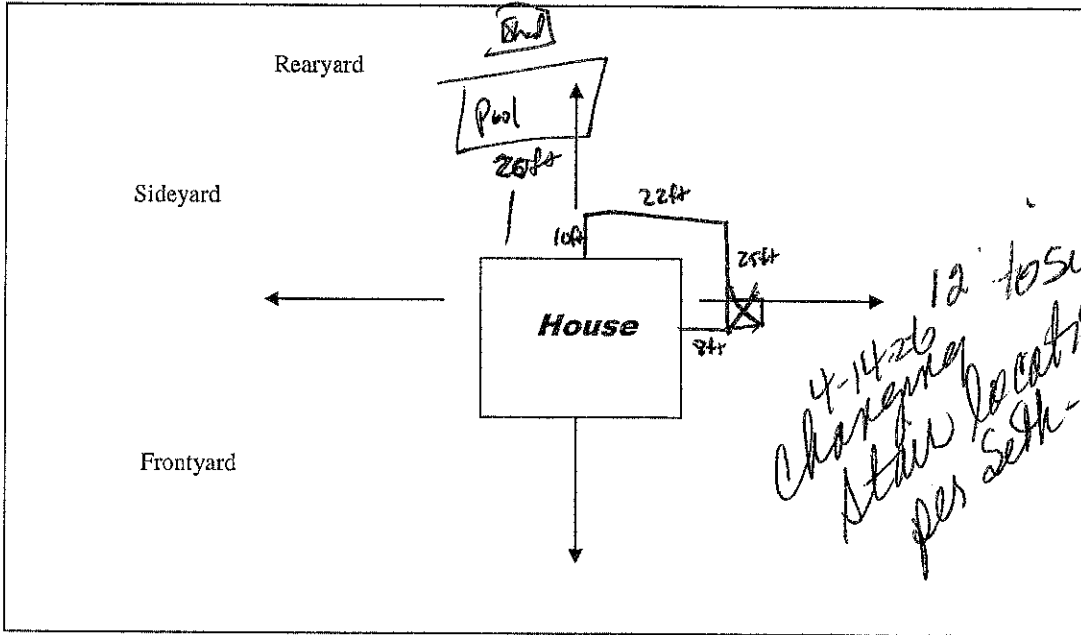
Interior/Corner Lot: circle one

Owner of Land Joel Kelly Milano

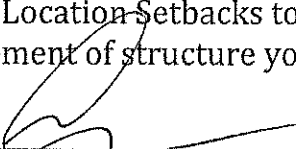
Zone: R20

**LIST ALL EXISTING STRUCTURES ON PROPERTY:** (ie: Pool, shed, decks, detached garage)

1. House, Pool, Shed



Draw proposed structure on plot plan.  
Indicate Location Setbacks to both sides and rear property line  
measurement of structure you are applying for.

  
\_\_\_\_\_  
Signature

Approved: / Rejected:   
Zoning Administrator

Date: 4-14-26