



currently meet the setback requirements, the preexisting nonconforming status of said setbacks shall remain on the new parcel.

**§ 129-8 Compliance required; existing uses.**

As of the effective date of this chapter, all existing undeveloped land and all new construction shall conform to the requirements of this chapter and amendments thereto. No building or use shall be altered unless in conformance with these regulations. Existing uses shall be considered permitted nonconforming uses and be subject to the provisions of Article XX.

**§ 129-170 Multiple uses.**

**Code/Ch 129: Zoning/Ch 129 Art XXIV: Additional Regulations**

[ 6-6-1996; amended 11-15-1999]

A. In cases where two or more uses occur on the same property, the area requirements for each use shall be combined to calculate the total square footage required. B. Where a single property is leased to more than one tenant, other than in a single structure, the lease line shall be considered as a lot line for the purpose of determining minimum requirements, and that leased portion of the lot shall conform to all of the space, bulk, setback and parking requirements in the applicable zone.

Pursuant to **§ 129-8 Compliance required; existing uses.** See above. The applicant wishes to subdivide 3 existing properties in the C-3 zone. This subdivision does not create any additional parcels, however it creates 3 new parcels with new dimensions, area and frontage.

Lot "A" Tax map: 115.14-1-18, zoned C-3, has 2 uses: Service Station/Automotive Repair and a Restaurant. The Service Station area requirements, frontage and setbacks are as follows: 40,000 square feet area, 200 feet frontage and setbacks of: 45 feet front, 30 feet side and 100 feet rear. The Restaurant area requirements, frontage and setbacks are as follows: 40,000 square feet area, 200 feet frontage and setbacks of: 45 feet front, 30 feet side and 100 feet rear. The Applicant is proposing a newly created Lot "A" with 655,701.8 square feet and 408.37 feet frontage. Pursuant to **129-174, C, (2)**, the applicant is seeking 15.0 feet (100%) relief from the pavement setback requirement within the rear and side yard areas.

Lot "B" Tax map: 115.-1-21, zoned C-3, has a pre-existing non-conforming Residential use. The Residential use on this parcel pre-dates zoning. The Applicant is proposing a newly created Lot "B" with 79,136 square feet and 386.12 feet frontage. The rear property line of this newly created lot places both the garage and the 1 story residence in violation of the 50 feet rear setback requirement. The applicant is seeking 5.50 feet of relief for the garage and 5.0 feet of relief for the residential structure. There shall be no commercial truck access onto Traver Rd. through lot "A" or from lot "B".

Lot "C" Tax map: 115.-1-22, zoned C-3, has 1 use: Warehouse/ Distribution Facility. The Warehouse/ Distribution Facility area requirements, frontage and setbacks are as follows: 40,000 square feet area, 200 feet frontage and setbacks of: 45 feet front, 30 feet side and 50 feet rear. The Applicant is proposing a newly created Lot "C" with 250,179.7 square feet and 700.51



**ZONING BOARD OF APPEALS  
TOWN OF WILTON**

**APPLICATION FOR AN AREA VARIANCE**

Appeal No. 2026-15  
Date: 4/7/2026

**APPEAL FROM THE DECISION OF THE BUILDING INSPECTION AND APPLICATION FOR RELIEF UNDER THE ZONING ORDINANCE.**

<u>Wilton Service Center, Inc. (Frank Parillo)</u>	<u>215 Ballard Road</u>
(Name of Applicant(s))	(Mailing Address)
<u>Gansevoort</u>	<u>NY 12831</u>
(City/Town)	(State) (Zip Code)

Telephone No. [REDACTED] (cell, home, work {circle one})

I (we) hereby appeal to the Zoning Board of Appeals from the Decision of the Building Inspector, denying me (us) permission to have pavement within the 15' setback (129-174(c)(2)).

- I. Property Information:
  - A. Location of Property (Number and Street): 215 Ballard Road
  - B. Tax Map No.: 115.14-1-18 (Lot A) C. Zoning District: C-3
  - C. Name and address of owner, if other than applicant: N/A
  - E. Present use of property: Service Station/Automotive Repair and Restaurant
  - F. Has a previous appeal been filed with the board for this property? N/A  
If yes, when and what number: \_\_\_\_\_
  - G. Is premises located within 500 feet from a state park, municipality boundary, state or county highway? Yes If yes, identify: I-87
  - H. Is premises located in an Agricultural District: N/A
  
- II. Facts upon which this appeal is based:
  - A. Provision of the Ordinance appealed: 129-147(c)(2)
  - B. Brief description of proposed action: Subdivision approval which requires an area variance for existing conditions
  - C. Type of area variance requested: Variance from having pavement w/in 15' setback
  - D. Requirement in applicable zone: No pavement w/in 15' setback
  - E. Applicant has (in feet, percent, sf, etc.): 0' or 0 % setback w/o pavement
  - F. Exact amount of relief requested: 100% relief requested  
(Subtract line E from line D)
  - G. Has work, use or occupancy to which this appeal relates already begun?  
N/A If yes, when? Variance is for compliance of existing conditions
  - H. Are other approvals needed from any state, county or town agencies:  
Yes If so, which ones? Planning Board, Saratoga County Planning  
Has application for approval been filed for above? Yes
  - I. Is project worth more than \$300,000: Yes \_\_\_\_\_ No X

- III. Reason for appeal. Use additional sheets of paper, if necessary.
- A. A variance to the Zoning Ordinance is requested for these reasons:
1. An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by the granted of the area variance because See attached cover letter

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  2. The benefit sought cannot be achieved by some method feasible to pursue, other than an area variance because See attached cover letter

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  3. The requested area variance is not substantial because See attached cover letter

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  4. The requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood district because See attached cover letter

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  5. The alleged difficulty was/ was not self-created because See attached cover letter

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(Note: Consideration of Number 5 shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude granting of the area variance.)

- IV. Evidence to be submitted with this application. It is the applicant's responsibility to see that submission is complete. The following items **must** be submitted with two copies of this form with **ORIGINAL SIGNATURES** in order for the application to be considered complete:
- A. Proof of contract to purchase, if property not owned by applicant, or
  - B. Statement from owner that applicant has the right to represent him/her.
  - C. Two copies of a site plan of the property, drawn to scale.
  - D. Environmental Assessment Form, if applicable.
  - E. Filing Fee: Make all checks payable to the Town of Wilton.  
Other information, such as statements from the adjacent landowners, photographs, or any other information that the applicant wishes reviewed may be submitted with this application.
- V. Evidence to be submitted after the application is filed: Adjacent landowners must be notified by certified mail, return receipt requested. The **original white certified receipts** stamped by the post office must be submitted to the board for each adjacent landowner notified. A copy of the notice is to be submitted to the ZBA office for review before mailing. Notification should be made at least two weeks prior to the hearing date, but **NOT UNTIL AFTER**

**1. Whether the variance will create an undesirable change in neighborhood character or a detriment to nearby properties.**

The requested relief will not result in an undesirable change to the neighborhood character or create a detriment to nearby properties because it simply recognizes existing site conditions that will remain affected by the proposed new lot lines. The Project is located in the C-3, "Commercial/Light Industrial District," is surrounded primarily by similar uses, and is bordered by Interstate 87 southbound. In addition, the subject property contains uses and structures that predate the Zoning Code and have arguably formed the character of the Project Area.

The variances sought for Lots A and C are intended to maintain an ingress and egress easement for commercial trucks accessing the parking and service areas from Ballard Road, rather than Traver Road. Because the pavement must remain continuous for the easement to function, the required 15-foot rear and side yard setbacks on these parcels are not practicable. The easement is necessary to keep commercial vehicles farther from residential uses and to minimize any negative impacts to those areas. Accordingly, the requested variances are modest in scope, reflect existing conditions on the site, and will not create any undesirable change or detriment.

**2. Whether the benefit sought can be achieved by some other feasible method.**

The benefit sought cannot reasonably be achieved through any feasible alternative other than the requested variances, because the applications are designed to bring the proposed lots into greater compliance with the Zoning Code based on existing site conditions. The purpose of the subdivision is to divide each existing use into its own separate parcel. In doing so, the subdivision was carefully structured not only to separate the multiple existing uses, but also to achieve the greatest degree of code compliance practicable.

For example, Lot B (Tax Parcel No. 115.1-21) is currently a legally existing nonconforming lot with respect to size, and this subdivision application brings Lot B into conformance with the Zoning Code. The subdivision will also separate a legally existing nonconforming residential use from the commercial uses on the property, allowing the residential use to remain on its own parcel rather than continuing as part of a mixed-use parcel. Given the number of grandfathered nonconformities on the Project site, this layout represents the most beneficial option in terms of promoting conformity while requiring the least and most minimal variances.

**3. Whether the requested variance is substantial.**

The requested variances are not substantial in light of the existing improvements on the site and the limited relief sought for each lot. Lots A and C request full relief from the Zoning Code's prohibition against pavement within the 15-foot rear and side yard setbacks. While this constitutes a complete deviation from the literal setback requirement, the relief is sought solely to permit the continued operation of an existing ingress and egress easement for commercial trucking. The easement and associated improvements are already in place and have been in operation for several years. Accordingly, granting the variance will not alter the character of the surrounding area, and the relief remains minimal in practical effect.

Lot B seeks a variance from the Zoning Code's 50-foot structural rear yard setback requirement. Lot B contains two existing residential structures, a garage and a dwelling, that would have rear yard setbacks of 44.5 feet and 45 feet, respectively, as configured by the proposed lot lines. These structures would therefore deviate only five feet and five and one-half feet from the required setback. Considering the modest nature of that departure, the variance for Lot B is likewise not substantial.

**4. Whether the variance will have an adverse effect on physical or environmental conditions in the neighborhood or district.**

The requested relief will not have an adverse physical or environmental effect on the neighborhood because it does not introduce any new intensity of use or development. Instead, it preserves and accommodates existing site conditions, including long-standing uses and improvements that are already in place. The variances are necessary to implement the proposed subdivision, which is designed to separate the existing uses into distinct parcels and bring the Project area into greater conformance with the Town's Zoning Code to the greatest extent practicable. In this way, the requested relief is limited in scope and supports a more orderly and code-compliant configuration of the property.

**5. Whether the difficulty is self-created.**

The difficulty related to these variances is not self-created as the existing uses and development on the Project site mostly predate the Zoning Code and are legally existing as grandfathered non-conforming. The Project seeks to rectify many of the non-conforming aspects of the subject property in putting forth a subdivision plan that is cognizant of the Zoning Code.

To the extent the need for relief is considered self-created, this circumstance is generally not dispositive, and the ZBA may still grant the variances if the overall balancing of the statutory factors favors approval.

In sum, the requested variances are modest, driven by existing conditions and improvements, and are intended to facilitate a subdivision that improves the property's compliance with the Town's Zoning Code. For these reasons, the balancing of the statutory factors weighs in favor of granting the applications, and the ZBA should approve the requested relief.

We respectfully request acceptance of the attached variance applications and placement on the next available ZBA agenda. Please contact me at 518-792-2117 or [jmc@bpsrlaw.com](mailto:jmc@bpsrlaw.com) with any questions or information needs.

Thank you for your attention. We look forward to cooperating throughout the review.

Sincerely,



Jordyn M. Conway  
Attorney for Wilton Service Center, Inc.

**THE APPLICATION IS FILED.** All signed return receipt cards must be submitted. See instruction sheet for more information on notification requirements.

This form must be signed before a notary. Notaries are available at the town hall if needed. Do not sign form until you appear before the notary.

I hereby affirm that the foregoing statements of fact are true, under penalty of perjury, this 6<sup>th</sup> day of April, 2026.

Jordyn Conway  
Attorney for Frank Parillo  
Signature of Applicant(s)

STATE OF NEW YORK  
COUNTY OF SARATOGA Warren  
Sworn to this 6<sup>th</sup> day of  
April, 2026.

SARAH JEANNE BASSETT  
Notary Public - State of New York  
No. 01BA0036248  
Qualified in Washington County  
My Commission Expires 04/17/2029

S. Bassett  
Notary Public

Received by the Wilton Zoning Board of Appeals on 4/7/2026 by Lisa Clason/SK

Reviewed by the Building Department on \_\_\_\_\_ by \_\_\_\_\_.

**PLEASE MAKE SURE TO READ ALL INSTRUCTIONS PRIOR TO FILING APPLICATION. ALL APPLICATIONS MUST HAVE BEEN REFERRED BY THE BUILDING DEPARTMENT.**

**Fees:**

Area Variance – Residential-Single & Two Family Homes	\$50.00
Area Variance – Commercial & Multi-Family Units:	
Est. < \$300,000 value	\$300.00
Est. > \$300,000 value	\$500.00
Use Variance – Residential-Single & Two Family Homes	\$100.00 (Non-Refundable)
Use Variance – Commercial & Multi-Family Units:	
Est. < \$300,000 value	\$750.00 (Non-Refundable)
Est. > \$300,000 value	\$1250.00 (Non-Refundable)
Signs	\$100.00
Special Permit – Residential-Single & Two Family Homes	\$50.00
Special Permit – Commercial & Multi-Family Units:	
Est. < \$300,000 value	\$300.00
Est. > \$300,000 value	\$500.00
Interpretations	\$50.00

12/12/2025

ZONING BOARD OF APPEALS  
TOWN OF WILTON

APPLICATION FOR AN AREA VARIANCE

Appeal No. 2026-16  
Date: 4/9/2026

APPEAL FROM THE DECISION OF THE BUILDING INSPECTION AND  
APPLICATION FOR RELIEF UNDER THE ZONING ORDINANCE.

Wilton Service Center, Inc. (Frank Parillo) 215 Ballard Road  
\_\_\_\_\_  
(Name of Applicant(s)) (Mailing Address)  
Gansevoort NY 12831  
\_\_\_\_\_  
(City/Town) (State) (Zip Code)

Telephone No. \_\_\_\_\_ (cell, home, work {circle one})

I (we) hereby appeal to the Zoning Board of Appeals from the Decision of the Building Inspector, denying me (us) permission to depart from 50' rear setback requirement (Schedule J)

- I. Property Information:
- A. Location of Property (Number and Street): 21 Traver Road
  - B. Tax Map No.: 115. +1-21(Lot B) C. Zoning District: C-3
  - C. Name and address of owner, if other than applicant: N/A
  - E. Present use of property: Residential
  - F. Has a previous appeal been filed with the board for this property? N/A  
If yes, when and what number: \_\_\_\_\_
  - G. Is premises located within 500 feet from a state park, municipality boundary, state or county highway? Yes If yes, identify: I-87
  - H. Is premises located in an Agricultural District: N/A
- II. Facts upon which this appeal is based:
- A. Provision of the Ordinance appealed: Zoning Code Schedule J
  - B. Brief description of proposed action: \_\_\_\_\_  
Subdivision approval which requires an area variance for existing conditions
  - C. Type of area variance requested: Variance from 50' rear setback
  - D. Requirement in applicable zone: 50' rear yard setback for structures
  - E. Applicant has (in feet, percent, sf, etc.): 44.5' from garage and 45' from house
  - F. Exact amount of relief requested: 10% (5') and 11% (5.5') relief requested  
(Subtract line E from line D)
  - G. Has work, use or occupancy to which this appeal relates already begun?  
N/A If yes, when? Variance is for compliance of existing conditions
  - H. Are other approvals needed from any state, county or town agencies:  
Yes If so, which ones? Planning Board, Saratoga County Planning  
Has application for approval been filed for above? Yes
  - I. Is project worth more than \$300,000: Yes \_\_\_ No X

- III. Reason for appeal. Use additional sheets of paper, if necessary.
- A. A variance to the Zoning Ordinance is requested for these reasons:
1. An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by the granted of the area variance because See attached cover letter  


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  2. The benefit sought cannot be achieved by some method feasible to pursue, other than an area variance because See attached cover letter  


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  3. The requested area variance is not substantial because See attached cover letter  


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  4. The requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood district because See attached cover letter  


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  5. The alleged difficulty was/ was not self-created because See attached cover letter  


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(Note: Consideration of Number 5 shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude granting of the area variance.)

- IV. Evidence to be submitted with this application. It is the applicant's responsibility to see that submission is complete. The following items **must** be submitted with two copies of this form with **ORIGINAL SIGNATURES** in order for the application to be considered complete:
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  - B. Statement from owner that applicant has the right to represent him/her.
  - C. Two copies of a site plan of the property, drawn to scale.
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 Other information, such as statements from the adjacent landowners, photographs, or any other information that the applicant wishes reviewed may be submitted with this application.
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**1. Whether the variance will create an undesirable change in neighborhood character or a detriment to nearby properties.**

The requested relief will not result in an undesirable change to the neighborhood character or create a detriment to nearby properties because it simply recognizes existing site conditions that will remain affected by the proposed new lot lines. The Project is located in the C-3, "Commercial/Light Industrial District," is surrounded primarily by similar uses, and is bordered by Interstate 87 southbound. In addition, the subject property contains uses and structures that predate the Zoning Code and have arguably formed the character of the Project Area.

The variances sought for Lots A and C are intended to maintain an ingress and egress easement for commercial trucks accessing the parking and service areas from Ballard Road, rather than Traver Road. Because the pavement must remain continuous for the easement to function, the required 15-foot rear and side yard setbacks on these parcels are not practicable. The easement is necessary to keep commercial vehicles farther from residential uses and to minimize any negative impacts to those areas. Accordingly, the requested variances are modest in scope, reflect existing conditions on the site, and will not create any undesirable change or detriment.

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The benefit sought cannot reasonably be achieved through any feasible alternative other than the requested variances, because the applications are designed to bring the proposed lots into greater compliance with the Zoning Code based on existing site conditions. The purpose of the subdivision is to divide each existing use into its own separate parcel. In doing so, the subdivision was carefully structured not only to separate the multiple existing uses, but also to achieve the greatest degree of code compliance practicable.

For example, Lot B (Tax Parcel No. 115.1-21) is currently a legally existing nonconforming lot with respect to size, and this subdivision application brings Lot B into conformance with the Zoning Code. The subdivision will also separate a legally existing nonconforming residential use from the commercial uses on the property, allowing the residential use to remain on its own parcel rather than continuing as part of a mixed-use parcel. Given the number of grandfathered nonconformities on the Project site, this layout represents the most beneficial option in terms of promoting conformity while requiring the least and most minimal variances.

**3. Whether the requested variance is substantial.**

The requested variances are not substantial in light of the existing improvements on the site and the limited relief sought for each lot. Lots A and C request full relief from the Zoning Code's prohibition against pavement within the 15-foot rear and side yard setbacks. While this constitutes a complete deviation from the literal setback requirement, the relief is sought solely to permit the continued operation of an existing ingress and egress easement for commercial trucking. The easement and associated improvements are already in place and have been in operation for several years. Accordingly, granting the variance will not alter the character of the surrounding area, and the relief remains minimal in practical effect.

Lot B seeks a variance from the Zoning Code's 50-foot structural rear yard setback requirement. Lot B contains two existing residential structures, a garage and a dwelling, that would have rear yard setbacks of 44.5 feet and 45 feet, respectively, as configured by the proposed lot lines. These structures would therefore deviate only five feet and five and one-half feet from the required setback. Considering the modest nature of that departure, the variance for Lot B is likewise not substantial.

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**5. Whether the difficulty is self-created.**

The difficulty related to these variances is not self-created as the existing uses and development on the Project site mostly predate the Zoning Code and are legally existing as grandfathered non-conforming. The Project seeks to rectify many of the non-conforming aspects of the subject property in putting forth a subdivision plan that is cognizant of the Zoning Code.

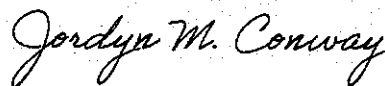
To the extent the need for relief is considered self-created, this circumstance is generally not dispositive, and the ZBA may still grant the variances if the overall balancing of the statutory factors favors approval.

In sum, the requested variances are modest, driven by existing conditions and improvements, and are intended to facilitate a subdivision that improves the property's compliance with the Town's Zoning Code. For these reasons, the balancing of the statutory factors weighs in favor of granting the applications, and the ZBA should approve the requested relief.

We respectfully request acceptance of the attached variance applications and placement on the next available ZBA agenda. Please contact me at 518-792-2117 or [jmc@bpsrlaw.com](mailto:jmc@bpsrlaw.com) with any questions or information needs.

Thank you for your attention. We look forward to cooperating throughout the review.

Sincerely,



Jordyn M. Conway  
Attorney for Wilton Service Center, Inc.

**THE APPLICATION IS FILED.** All signed return receipt cards must be submitted. See instruction sheet for more information on notification requirements.

This form must be signed before a notary. Notaries are available at the town hall if needed. Do not sign form until you appear before the notary.

I hereby affirm that the foregoing statements of fact are true, under penalty of perjury, this 6<sup>th</sup> day of April, 2026.

*Jesslyn Conway*  
Attorney for Frank Paville  
Signature of Applicant(s)

STATE OF NEW YORK  
COUNTY OF SARATOGA Warren  
Sworn to this 6<sup>th</sup> day of  
April, 2026.

**SARAH JEANNE BASSETT**  
Notary Public - State of New York  
No. 01BA0036248  
Qualified in Washington County  
My Commission Expires 04/17/2029

*S. Marshall*  
Notary Public

Received by the Wilton Zoning Board of Appeals on 4/7/2026 by Lisa Clurson BSK

Reviewed by the Building Department on \_\_\_\_\_ by \_\_\_\_\_

**PLEASE MAKE SURE TO READ ALL INSTRUCTIONS PRIOR TO FILING APPLICATION. ALL APPLICATIONS MUST HAVE BEEN REFERRED BY THE BUILDING DEPARTMENT.**

**Fees:**

Area Variance – Residential-Single & Two Family Homes	\$50.00
Area Variance – Commercial & Multi-Family Units:	
Est. < \$300,000 value	\$300.00
Est. > \$300,000 value	\$500.00
Use Variance – Residential-Single & Two Family Homes	\$100.00 (Non-Refundable)
Use Variance – Commercial & Multi-Family Units:	
Est. < \$300,000 value	\$750.00 (Non-Refundable)
Est. > \$300,000 value	\$1250.00 (Non-Refundable)
Signs	\$100.00
Special Permit – Residential-Single & Two Family Homes	\$50.00
Special Permit – Commercial & Multi-Family Units:	
Est. < \$300,000 value	\$300.00
Est. > \$300,000 value	\$500.00
Interpretations	\$50.00

12/12/2025

**ZONING BOARD OF APPEALS  
TOWN OF WILTON**

**APPLICATION FOR AN AREA VARIANCE**

Appeal No. 2026-17  
Date: 4/7/2026

**APPEAL FROM THE DECISION OF THE BUILDING INSPECTION AND APPLICATION FOR RELIEF UNDER THE ZONING ORDINANCE.**

<u>Wilton Service Center, Inc. (Frank Parillo)</u>	<u>215 Ballard Road</u>
(Name of Applicant(s))	(Mailing Address)
<u>Gansevoort</u>	<u>NY 12831</u>
(City/Town)	(State) (Zip Code)

Telephone No. [REDACTED] (cell, home, work {circle one})

I (we) hereby appeal to the Zoning Board of Appeals from the Decision of the Building Inspector, denying me (us) permission to have pavement within the 15' setback (129-174(c)(2)).

- I. Property Information:
  - A. Location of Property (Number and Street): 17 Traver Road
  - B. Tax Map No.: 115. -1-22 (Lot C) C. Zoning District: C-3
  - C. Name and address of owner, if other than applicant: N/A
  - E. Present use of property: Warehouse/Distribution Facility
  - F. Has a previous appeal been filed with the board for this property? N/A  
If yes, when and what number: \_\_\_\_\_
  - G. Is premises located within 500 feet from a state park, municipality boundary, state or county highway? Yes If yes, identify: I-87
  - H. Is premises located in an Agricultural District: N/A
  
- II. Facts upon which this appeal is based:
  - A. Provision of the Ordinance appealed: 129-147(c)(2)
  - B. Brief description of proposed action: Subdivision approval which requires an area variance for existing conditions
  - C. Type of area variance requested: Variance from having pavement w/in 15' setback
  - D. Requirement in applicable zone: No pavement w/in 15' setback
  - E. Applicant has (in feet, percent, sf, etc.): 0' or 0 % setback w/o pavement
  - F. Exact amount of relief requested: 100% relief requested  
(Subtract line E from line D)
  - G. Has work, use or occupancy to which this appeal relates already begun?  
N/A If yes, when? Variance is for compliance of existing conditions
  - H. Are other approvals needed from any state, county or town agencies:  
Yes If so, which ones? Planning Board, Saratoga County Planning  
Has application for approval been filed for above? Yes
  - I. Is project worth more than \$300,000: Yes \_\_\_ No X

- III. Reason for appeal. Use additional sheets of paper, if necessary.
- A. A variance to the Zoning Ordinance is requested for these reasons:
1. An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by the granting of the area variance because See attached cover letter  
\_\_\_\_\_  
\_\_\_\_\_
  2. The benefit sought cannot be achieved by some method feasible to pursue, other than an area variance because See attached cover letter  
\_\_\_\_\_  
\_\_\_\_\_
  3. The requested area variance is not substantial because See attached cover letter  
\_\_\_\_\_  
\_\_\_\_\_
  4. The requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood district because See attached cover letter  
\_\_\_\_\_  
\_\_\_\_\_
  5. The alleged difficulty was/ was not self-created because See attached cover letter  
\_\_\_\_\_

(Note: Consideration of Number 5 shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude granting of the area variance.)

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  - B. Statement from owner that applicant has the right to represent him/her.
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- V. Evidence to be submitted after the application is filed: Adjacent landowners must be notified by certified mail, return receipt requested. The **original white certified receipts** stamped by the post office must be submitted to the board for each adjacent landowner notified. A copy of the notice is to be submitted to the ZBA office for review before mailing. Notification should be made at least two weeks prior to the hearing date, but **NOT UNTIL AFTER**

**1. Whether the variance will create an undesirable change in neighborhood character or a detriment to nearby properties.**

The requested relief will not result in an undesirable change to the neighborhood character or create a detriment to nearby properties because it simply recognizes existing site conditions that will remain affected by the proposed new lot lines. The Project is located in the C-3, "Commercial/Light Industrial District," is surrounded primarily by similar uses, and is bordered by Interstate 87 southbound. In addition, the subject property contains uses and structures that predate the Zoning Code and have arguably formed the character of the Project Area.

The variances sought for Lots A and C are intended to maintain an ingress and egress easement for commercial trucks accessing the parking and service areas from Ballard Road, rather than Traver Road. Because the pavement must remain continuous for the easement to function, the required 15-foot rear and side yard setbacks on these parcels are not practicable. The easement is necessary to keep commercial vehicles farther from residential uses and to minimize any negative impacts to those areas. Accordingly, the requested variances are modest in scope, reflect existing conditions on the site, and will not create any undesirable change or detriment.

**2. Whether the benefit sought can be achieved by some other feasible method.**

The benefit sought cannot reasonably be achieved through any feasible alternative other than the requested variances, because the applications are designed to bring the proposed lots into greater compliance with the Zoning Code based on existing site conditions. The purpose of the subdivision is to divide each existing use into its own separate parcel. In doing so, the subdivision was carefully structured not only to separate the multiple existing uses, but also to achieve the greatest degree of code compliance practicable.

For example, Lot B (Tax Parcel No. 115.1-21) is currently a legally existing nonconforming lot with respect to size, and this subdivision application brings Lot B into conformance with the Zoning Code. The subdivision will also separate a legally existing nonconforming residential use from the commercial uses on the property, allowing the residential use to remain on its own parcel rather than continuing as part of a mixed-use parcel. Given the number of grandfathered nonconformities on the Project site, this layout represents the most beneficial option in terms of promoting conformity while requiring the least and most minimal variances.

**3. Whether the requested variance is substantial.**

The requested variances are not substantial in light of the existing improvements on the site and the limited relief sought for each lot. Lots A and C request full relief from the Zoning Code's prohibition against pavement within the 15-foot rear and side yard setbacks. While this constitutes a complete deviation from the literal setback requirement, the relief is sought solely to permit the continued operation of an existing ingress and egress easement for commercial trucking. The easement and associated improvements are already in place and have been in operation for several years. Accordingly, granting the variance will not alter the character of the surrounding area, and the relief remains minimal in practical effect.

Lot B seeks a variance from the Zoning Code's 50-foot structural rear yard setback requirement. Lot B contains two existing residential structures, a garage and a dwelling, that would have rear yard setbacks of 44.5 feet and 45 feet, respectively, as configured by the proposed lot lines. These structures would therefore deviate only five feet and five and one-half feet from the required setback. Considering the modest nature of that departure, the variance for Lot B is likewise not substantial.

**4. Whether the variance will have an adverse effect on physical or environmental conditions in the neighborhood or district.**

The requested relief will not have an adverse physical or environmental effect on the neighborhood because it does not introduce any new intensity of use or development. Instead, it preserves and accommodates existing site conditions, including long-standing uses and improvements that are already in place. The variances are necessary to implement the proposed subdivision, which is designed to separate the existing uses into distinct parcels and bring the Project area into greater conformance with the Town's Zoning Code to the greatest extent practicable. In this way, the requested relief is limited in scope and supports a more orderly and code-compliant configuration of the property.

**5. Whether the difficulty is self-created.**

The difficulty related to these variances is not self-created as the existing uses and development on the Project site mostly predate the Zoning Code and are legally existing as grandfathered non-conforming. The Project seeks to rectify many of the non-conforming aspects of the subject property in putting forth a subdivision plan that is cognizant of the Zoning Code.

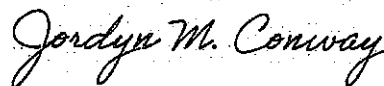
To the extent the need for relief is considered self-created, this circumstance is generally not dispositive, and the ZBA may still grant the variances if the overall balancing of the statutory factors favors approval.

In sum, the requested variances are modest, driven by existing conditions and improvements, and are intended to facilitate a subdivision that improves the property's compliance with the Town's Zoning Code. For these reasons, the balancing of the statutory factors weighs in favor of granting the applications, and the ZBA should approve the requested relief.

We respectfully request acceptance of the attached variance applications and placement on the next available ZBA agenda. Please contact me at 518-792-2117 or [jmc@bpsrlaw.com](mailto:jmc@bpsrlaw.com) with any questions or information needs.

Thank you for your attention. We look forward to cooperating throughout the review.

Sincerely,



Jordyn M. Conway  
Attorney for Wilton Service Center, Inc.

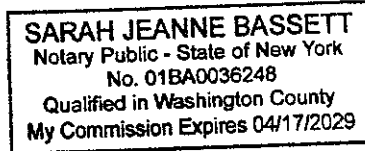
**THE APPLICATION IS FILED.** All signed return receipt cards must be submitted. See instruction sheet for more information on notification requirements.

This form must be signed before a notary. Notaries are available at the town hall if needed. Do not sign form until you appear before the notary.

I hereby affirm that the foregoing statements of fact are true, under penalty of perjury, this 6<sup>th</sup> day of April, 2026.

*Rodhyn Conway*  
Attorney for Frank Paville  
Signature of Applicant(s)

STATE OF NEW YORK  
COUNTY OF ~~SARATOGA~~ Warren  
Sworn to this 6<sup>th</sup> day of  
April, 2026.



*S. Bassett*  
Notary Public

Received by the Wilton Zoning Board of Appeals on 4/7/2026 by *Lisa Chasson SK*

Reviewed by the Building Department on \_\_\_\_\_ by \_\_\_\_\_

**PLEASE MAKE SURE TO READ ALL INSTRUCTIONS PRIOR TO FILING APPLICATION. ALL APPLICATIONS MUST HAVE BEEN REFERRED BY THE BUILDING DEPARTMENT.**

**Fees:**

Area Variance – Residential-Single & Two Family Homes	\$50.00
Area Variance – Commercial & Multi-Family Units:	
Est. < \$300,000 value	\$300.00
Est. > \$300,000 value	\$500.00
Use Variance – Residential-Single & Two Family Homes	\$100.00 (Non-Refundable)
Use Variance – Commercial & Multi-Family Units:	
Est. < \$300,000 value	\$750.00 (Non-Refundable)
Est. > \$300,000 value	\$1250.00 (Non-Refundable)
Signs	\$100.00
Special Permit – Residential-Single & Two Family Homes	\$50.00
Special Permit – Commercial & Multi-Family Units:	
Est. < \$300,000 value	\$300.00
Est. > \$300,000 value	\$500.00
Interpretations	\$50.00

12/12/2025

**Map References:**

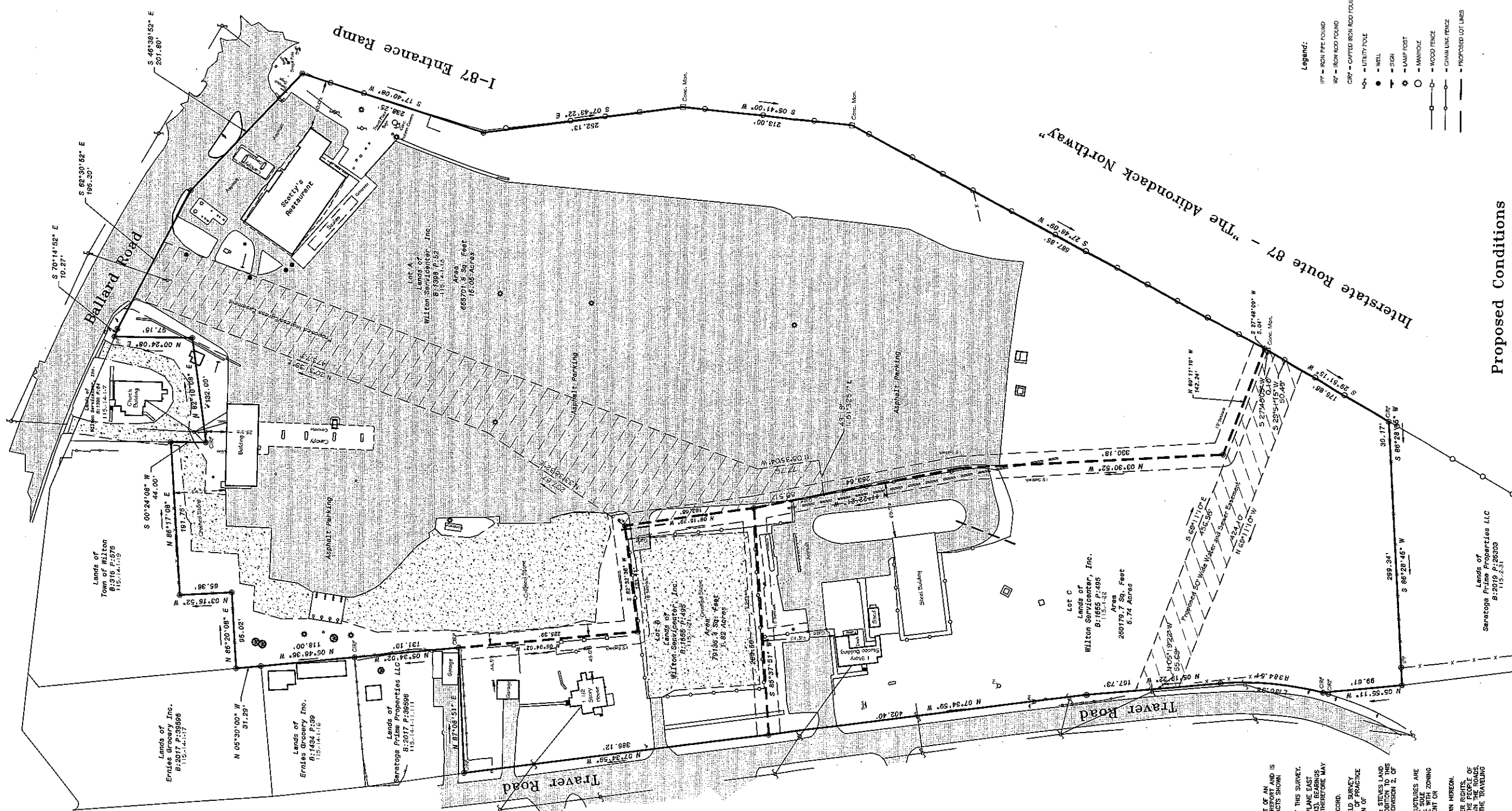
1. Map of a Proposed Lot Line Adjustment Made for King Services, Inc. Dated: May 31, 2017 Revised November 15, 2017 By: Van Dusen & Steves
2. Map of a Survey Made for Kather-ine King Dated: September 17, 1999 Last Revised: March 15, 2022 By: Van Dusen & Steves
3. Map of Lands Conveyed by King Services, Inc. To Frank J. Parillo Dated: August 11, 1977 Last Revised: June 20, 1992 By: Coulter & McCormack
4. Map of a Survey Made for Parillo Prime Properties, LLC Dated: August 20, 2019 Last Revised: July 11, 2019 By: Van Dusen & Steves

**Dead References:**

The King Service, Inc. To Wilton Servicecenter, Inc. Dated: October 25, 1994 Book: 1398 Page: 62

Wilton Servicecenter, Inc. To Wilton Servicecenter, Inc. Dated: July 9, 2003 Book: 1656 Page: 495

- NOTES:**
- 1) THIS MAP WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE OR AN UP-TO-DATE TITLE REPORT AND IS HEREBY SUBJECT TO ANY STATEMENT OF FACTS SHOWN THEREON.
  - 2) NO PROPERTY CORNERS WERE SET AS PART OF THIS SURVEY.
  - 3) NORTH ORIENTATION IS PER NEW YORK STATE PLANE EAST ZONE AND IS REFERENCED TO THE DATUM AND THEREFORE MAY NOT MATCH RECORDED BEARINGS.
  - 4) PARCEL IS SUBJECT TO ANY EASEMENTS OF RECORD.
  - 5) THIS MAP WAS PREPARED FROM AN ACTUAL FIELD SURVEY ACCORDANCE WITH THE EXISTING CODE OF PRACTICE ADOPTED BY THE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.
  - 6) THIS MAP IS COPYRIGHT © 2022 VAN DUSEN & STEVES LAND SURVEYORS. UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS PROHIBITED UNDER SECTION 7209, SUBSECTION 2, OF NEW YORK STATE EDUCATION LAW.
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  - 8) UNDERGROUND UTILITIES, IF ANY, ARE NOT SHOWN HEREON.
  - 9) THE SURVEYED PARCEL IS SUBJECT TO WHATEVER RIGHTS, OF ANY KIND, THAT MAY BE ASSERTED BY ANY PARTY AND TO WHATEVER RIGHTS, TITLE OR INTEREST THE TRAVELING PUBLIC MAY HAVE TO THE BED OF THE ROADS.



- Legend:**
- IFP - IRON PIPE FOUND
  - RP - IRON ROD FOUND
  - CRF - CAPTED IRON ROD FOUND
  - U - UTILITY POLE
  - W - WELL
  - S - SIGN
  - L - LAMP POST
  - M - MANHOLE
  - W - WOOD FENCE
  - C - CHAIN LINK FENCE
  - P - PROPOSED LOT LINES

**Proposed Conditions**

NO.	DATE	DESCRIPTION
6	03/31/26	HIGHLIGHT PROPOSED
5	03/16/26	ADDITIONAL SETBACKS
4	03/13/26	NEW LOT LINE SETBACKS
3	11/13/25	LABELING
2	07/22/25	REVISE PROPOSED
1	03/27/23	PROPOSED EASEMENTS

Map of a Survey made for  
**Wilton Servicecenter, INC**  
 Town of Wilton, Saratoga County, New York

**Van Dusen & Steves**  
 Land Surveyors  
 169 Hayland Road  
 Queensbury, New York 12804  
 (518) 792-8474  
 New York Lic. No. 50136

Date: December 30, 2022  
 Scale: 1"=60'

SHEET 2 OF 2

Wilton Service Center

215 Ballard Road

Wilton, NY 12831

115.-1-22

Zoning Ordinance Section	Required	Proposed	Relief requested
129-174 C (2)	15 ft. pavement setback	0 ft. pavement setback	15 ft. pavement setback

Wilton Service Center

21 Traver Road

Wilton, NY 12831

115.-1-21

Zoning Ordinance Section	Required	Proposed	Relief requested
Garage §129-157	50 ft rear yard setback	44.50 ft. rear yard setback	5.50 ft. rear yard setback
House §129-157	50 ft. rear yard setback	45. ft rear yard setback	5. ft. rear yard setback

Wilton Service Center

215 Ballard Road

Wilton, NY 12831

115.14-1-18

Zoning Ordinance Section	Required	Proposed	Relief requested
129-174 C (2)	15 ft. pavement setback	0 ft. pavement setback	15 ft. pavement setback