

Unofficial  
Planning Board 4/1/2026

Present: Steve Guthrie, Greg Peck, Chester Martin, Heather Luther, Paul Fordham, Phil Torrey, Clinton Coon, Roberta Fessenden, Lynne Owens, Susan Acker, Clint Acker, Case Marshall, Zach Marshall, David Bolster, Lisa Bolster, Roger Betts, Barb Betts, Mike Munger, Tammy Sehm, Douglas Sehm, Rachel Tompkins, Jack Fitzpatrick, Ben Murphy, Dale Harper, Skyler Harper, Jennifer Murphy, Mark Humbert

Meeting called to order by Steve Guthrie at 7:00 PM

Appeal 05-26 Dave Bolster 4648 High St. – variances for front and rear setback

Dave would like to replace his 1981 single wide trailer with a double wide manufactured home.

New size would be 27' x 66', detached from the garage. It would not go beyond the front or back of the existing garage. The back is existing non-conforming at 22', the way the property is there is no possibility for it to be in compliance at 80'. Existing 10' x 20' deck built last year if they keep it on the front of the home the setback will be 73'. Greg Peck noted he doesn't see a problem with it because it will line up with the back of the existing garage and it will not surpass the it on the front side. No neighbors were present and the board did not receive any letters.

Chester Martin made a motion to recommend application as presented to the zoning board.

Greg Peck second, all in favor.

04-26 Marshall Brothers Special permit to establish a gas station convenience store at the corner of Clinton and 414

Seen before in March 2023 under Erie

Erie will own the property – Marshall Brothers owns Pitstop.

Comprehension plan for the town of Rose has changed the zoning maps. Its still residential but the comprehension plan is to change this area into business. This is changing and the reason for resubmitting the appeal.

Plan was the same as last year as they want feedback before getting an engineer drawing.

Parcels will include the church, pink house, corner lot and 10345 on Clinton

It will not include 5168 (north of the church) as it was sold off to another party. The individual has no interest in selling. 10345 is new this time

Comprehension plan finalized last year this does fall into proper zoning. We are working with the lawyer to get the final wording to have the town board vote on to bring the maps up to code. When it's all done it will be business district.

Concerns from public:

Will there be an entrance or exit on Clinton? It is expected as the DOT says where we can have an entrance. Concerns - numerous accidents, school buses, cluster, extra traffic.

Can you put a horse shoe on 414? – issue with DOT past experience won't allow entrance on 414 due to the side road.

Can we have DOT presence at a meeting? That is up to the municipality

What is your plan to combat garbage? Same thing we do today which is have people go out and clean it up.

What have been concerns with existing neighbors? We don't have a lot of communication with our current neighbors. There haven't been any direct complaints, Vicky at the store may have had some complaints but nothing has gone further than the store level.

If this does not go through would the current store close? The existing site has a timeline; we do not have enough property to replace the tanks. If we can not do something new somewhere then the store will eventually close.

To continue there, you would need more room – there is a property for sale and someone passed away would those properties be an option? There is not enough depth within those properties. Last time we did try to purchase those properties, however the property behind us is not interested in selling at this time.

Is there a plan to dampen noise and visibility, we don't want a ton of people starting at my kids playing in my backyard? I believe it's in code that we will have to have some barriers we will look to the town for preference as to what that would be – preference would be a fence. On Clinton is the question of visibility - how close to the road to do a berm or fence? It would have to stay back a certain number of feet for site lines and things like that.

Are you going to have underground or above ground tanks? That will be dependent on where DOT allows the entrance. Transport will need to be able to get to it

What is the value of new facility? We will continue to offer services we have today, continue to offer fuel, offer more food options, more room inside- value prospective just moving to a bigger facility to offer more space and also adding diesel to the pumps. No tractor trailers – transport would be able to get in and out and delivers.

Have you seen home depreciation? We do not track it

What will happen to the old site? We would close the petroleum facility per DEC regulations and do a facelift on the building it hopes to have another business, or professional building for rent.

Will the current tanks in ground be removed? They will be closed by DEC regulations. This may include filling with slurry or removing the tanks.

Do you foresee an issue with them left underground because of possible future town plans of sewer, drainage, work on 414 due to tanks in the road? The tanks are not in the road; they are fully on our property they are only 64' diameter tanks. There are two 3,000-gallon tanks and a 6,000-gallon tank in a line. They won't interfere with future development unless future development is right off the edge of the store.

Any thoughts of flopping the store and gas islands? That is nothing we would do. Big entrance would be farther to the north away from the intersection. It would solve traffic issues – kids walking school traffic... When the bus garage moves location, the problem will still exist due to the school not moving. The numbers don't work for bigger property they have spent all we have and are not going to pursue more properties. There was no interest early on so we moved on.

What about Catchpole and 414? – looking to catch the movement at this end of town

As far as the visualities and garbage – we will be seeing this again multiple times. This intersection isn't much different from other intersections where Byrne Dairys are established. We don't have a convenience store in the hamlet of Rose. This is the best location for the Marshall Brothers bottom dollar.

A convenience store won't draw more vehicles,

If they aren't here any longer, we have to go to Alton, Wolcott, Clyde

Byrne Dairy is self-distribution

Flashing light on the corner? DOT issue

When they come back with a plan, we can have more input as to what they plan on doing

What's the time line on completion of project? – hope is to at least get started with in a year. This neighbor plans on putting their house up for sale.

North Victory store would be the closest size wise – we have a bit more space here to have more pumps

Congestion problem especially with school busses– what would it take for a traffic light to be installed. We have never been in a situation where we had to request one or work with them on

one. We can talk to them based on what we're doing here. We can point out on the application. We can't push it north any further? Worried about property values. Depends on where DOT allows entrance.

Discussion with 10343, the house out back – no discussion yet have been told right away through 10345 we have not seen a Deed, once we know the whole picture we will approach the owner and make sure the right way is available to them or see if they are willing to give one up to gain something else. We did have a conversation to purchase property, but they were not interested.

Need to get accidents reports for the intersection of Clinton and 414.

Tanks above or below along Clinton? The tank location is dependent on DOT entrance. Expectation is to have 2 physical tanks with 4 products.

Pink place used to be a garage, I believe there are still tanks there will that change anything? No

With the new property on Clinton, we expect to have an entrance and or exit on Clinton. It will not be as close as it is on the sketch. Are you still considering arborvitaes to block off for headlights in people's windows and privacy. Angels of driveways may help with those concerns as well.

This does have to go to county before it comes back to us for preliminary. Do you have an ideal of when the drawings will be complete. We can't send to county without drawings. Will come back next month with the engineer drawing for comments and then clean it up and then send it to county. Would be best for us to go to county first and then their recommendations would come back to us. The county would need it 2 weeks before their meeting which is last Wednesday of the month. We won't make April County meeting. We will have a meeting in May; we will table this – it will stay open until we come to a decision. It will be open in May if you want to come back for discussion. No mailings or newspaper will go out for May, as its tables. We will have to come back in June as well.

We have to finalize what we like to present to the town board. Code enforcer has been in contact with Dewight for the last couple weeks as to the cleanest way to do this.

Exhibit A – change zoning along 414 in line with the comprehension plan, like discussed from day one to go from all hamlet residential and a few general business and a couple industrial, to leave the existing hamlet general business, and industrial there and change everything else to hamlet general business. Exhibit A breaks down what is allowed in hamlet residential vs hamlet general business there is a lot of things in current zoning that is currently not allowed, with hamlet general business it would be allowed.

Exhibit B – Local laws current zoning only mentions under ground tanks. Marshall Brothers will want to put in above ground tanks for easier inspection and cheaper costs.

2025 fire code claims it has to be a 6,000 gallon or more tank has to be 25' off lot line -will not effect set backs.

Exhibit C – maps Pink sections are the sections being changed, hamlet residential to hamlet general business. Yellow is existing hamlet general business. Hamlet residential - Do we want to set a limitation on depth. Shady Brook is 500' off the rd. Many of the deeper depth lots are narrow, if we restricted the front what would they use the back for? A limitation on depth would protect residents behind them. We need to come up with a good aggregate number of depth that we are happy with in the hamlets.

A Resident would like to see the sections between the hamlets changed to residential for protection from having whatever business might pop up next door. If you buy a house in what looks like a residential area, you'd expect it to stay that way. To have everything zoned general business along 414 doesn't make sense. Wouldn't you want to centralize business district? This is what passed in the comprehensive plan. It can be brought up again. The stretch between Miner and Catchpole, why can't you just leave it? There are decent homes through this section, why risk some business moves in and degrade the home or make people leave. We just did this in the comprehensive plan; it was brought up but the committee decided. To switch it back we would have to redo the comprehensive plan.

The properties in rose hamlet – why change those – it goes along with comprehension plan. It's a dual use section residents and business are allowed. Everyone is welcomed to voice concerns to the town board meetings; these conversations have been discussed during the steering meetings.

Recommendations can be made at any time but we cannot change zoning against the comprehensive plan. The comprehensive plan will need to be changed first to reflect the recommendation. It's adopted at the board level and that's what the state looks at. We have to align with the comprehensive plan.

If any residential property sells and goes to general business, it can go back to residential.

Town board will present this and ask for planning board recommendation

Motion made by Mark Humbert to Recommendation that the town board continues with this recommendation for changes to our zoning and mapping and zoning changes to add above ground tanks, with the consideration that residents are questioning the comprehensive plan. Greg Peck Second, all in favor.

Request from ATT for next month's meeting to be accessible via Zoom or another media platform. We have the Owl system that is for this purpose.

Rental property laws from other local towns are in your packets. We need to address this when we have time.

Solar battery power moratorium – should we change anything or follow through with to change our battery storage? Our moratorium is getting to the anniversary date. No one has any suggestions

Chester Martin made a motion to approve previous meeting minutes, seconded by Mark Humbert. All in favor.

Mark Humbert made a Motion to adjourn at 8:53 PM, Chester Martin second. All in favor.