

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**  
**Newstead Town Hall – 6:30PM**  
**March 9, 2026**

MEMBERS

PRESENT: John Potera, Acting Chairperson  
Erik Polkowski  
John Olaf  
Christine Falkowski  
Tim Martin  
Jacob Halleck (Alternate)

OTHER: Julie Brady, Recording Clerk  
Dave Miller, CEO

ABSENT: Tom Cowan,  
Andy Kelkenberg

**Unofficial**

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The planning board meeting began at 6:36pm. John Olaf abstained from voting on the minutes as he was not present on February 9th. After reviewing the minutes, Tim M. motioned to approve the minutes from February 9, 2026, seconded by Jacob H. Hearing All Ayes, No Nays, the minutes were approved.

Angel & Justin Stuber, 5 Danita Dr., Akron were present requesting a change in use for 13025 Main Rd. to open and operate Fire & Ice Nutrition. They are leasing the building from David Amerine/Nature's Prize. Angel explained that they will be selling energy bombs, nutritional smoothies and meal replacement shakes. She has been using the Herbalife plant-based products for four years. The benefits are it gives you a boost without the crash from other drinks like Red Bull or Monster. There is no cannabis in this product. Angel stated that there are different products such as collagen, nitvision, aloe, and protein meal replacements. These products will be available to order a drink or you can purchase the products to make at home.

John P. asked if the people will be staying at the store to order and enjoy their drinks or just pick up and leave? Justin S. stated that there will be a "bar" to order the nutritional drinks (no alcohol) and the customers can stay or just pick up and leave.

Jacob H. asked what the hours will be. Angel S. stated that they are planning on 6am-6pm with her and daughter being the only staff right now.

Dave M. asked if they have met with Erie County Health Department yet. Angel S. said that is the next step after receiving town approval.

The board discussed disposable utensils, modifications to the building, and plumbing.

Hearing no other comments, Erik P. motioned to recommend this project to the Town Board. Tim M. seconded the motion. Hearing All Ayes, No Nays, the motion was carried unanimously.

1-Lot Subdivision, 12109/12123 Buckwheat Rd., Estate of Beverly Hutter c/o Applicant: Randy Moyer, Moyer Auction & Estate Co., 3610 Crittenden Rd., Alden, NY. (SBL# 85.00-2-21) The property is currently one parcel totaling 36 acres. The property was auctioned off, with the houses being purchased by separate buyers, therefore, the need to subdivide.

Bryan Mertzlufft was present as purchaser of the 1993 home and vacant land on the north side of Buckwheat Rd. Randy M. is requesting that the old farmhouse at 12123 Buckwheat Rd be split off with 1.195 acres. The question was raised by John O. and Dave M. if there are two separate septic systems; one for each house completely on the individual parcels, so that the septic system does not cross over any lot lines.

Bryan M. stated that he has already submitted a variance to close and have the septic inspected within 90 days after closing with Erie County Health Dept.

Randy M. showed the marketing brochure of the property and explained where he believed the septic systems were located. Randy M. also stated that he will contact Erie County Health Department and confirm the septic system issue. Dave M. told Randy M. that this subdivision will be put back on the agenda for the next planning board meeting after we receive the septic verification.

The planning board reviewed the pre-application site plan for 12200 Main Rd., (owned by ADESA New York LLC) for Carvana LLC. Applicant: Trent Suddeth with Kimley Horn

The request is to expand the existing ADESA Auto Auction to construct an Inspection and Reconditioning of used vehicles prior to their on-line sale via Carvana.com. The proposed project involves the construction of a new 103,854 square foot building with an attached private car wash. This car wash will be for Carvana's

exclusive use to clean vehicles being prepared for online sale. The proposed IRC is structured around an assembly-line process. Vehicles undergo a comprehensive 150-point inspection and receive necessary typical maintenance, such as oil changes, tire and brake installation, and touch-up paint for minor dings and scratches. No major repair operations, such as engine rebuilds, transmissions or extensive collision body work, will be conducted on site. After service and cleaning, vehicles are professionally photographed and stored on the premises until time of purchase. Additionally, the project proposes asphalt paving portions of existing gravel parking areas for vehicle storage. Restriping will occur across the existing parking lot to optimize the vehicle storage layout.

Hearing no opposition, Trent S. will move forward with the site plan application.

John O. motioned to adjourn the meeting. Tim M. seconded the motion. Hearing All Ayes, No Nays, the meeting was adjourned at 8:38pm.

Respectfully Submitted,

Julie Brady, Recording Clerk