

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
Newstead Town Hall – 6:30PM
April 27, 2026

MEMBERS

PRESENT: Andy Kelkenberg (Acting Chairperson)
Erik Polkowski
Tim Martin
John Potera
Jacob Halleck (Alternate)

ABSENT: Tom Cowan, Chairperson
John Olaf
Christine Falkowski

OTHER: Dave Miller, CEO
Julie Brady, Recording Clerk

**UNOFFICIAL
MINUTES**

The planning board meeting began at 6:33pm.

1-Lot Subdivision 12109 & 12123 Buckwheat Rd., Randy Moyer, Moyer Auctioneer was present representing the seller and Bryan Mertzlufft, 5005 Havenwood Dr, Akron, NY and Amy Schulz were present as buyers of 12109 Buckwheat Rd.

Randy M. explained that the planning board had previously requested proof that the septic systems were on their separate properties and not crossing property lines when subdivided. Randy M. did receive verbal confirmation that there is no septic system at 12123 Buckwheat Rd. and 12109 Buckwheat's system is fully on that property. Randy M. also requested a letter from Jazz that they could put a septic system in at 12123 Buckwheat but they have not responded so we have contacted Macken.

Bryan M. stated that there was an old-style cistern at 12123 Buckwheat Rd. and a well that the current occupant is using because he told Bryan that it froze last winter and he had no water. Randy M. stated that the house is hooked up to public water.

Bryan M. continued to say that this has been a very long process and feels the ball has been dropped by several people. He asked where the surveys came from that were provided to the planning board for this subdivision. Julie B. answered from the seller's attorney. Bryan M. stated that the survey is incorrect. When he bought the property the tree line was the property line as he wanted the fruit trees. The neighbor purchasing the property at 12123 Buckwheat had agreed to the previous survey. Not this one. The new lot lines were moved 25 feet to the west to account for a new septic system and to meet the Town's minimum lot size.

Julie B. told the planning board that Town Engineer, Tim Walck recommended getting Erie County Health Approval for the septic system, due to the wetlands on the property and the size of the lot since one was not existing on this parcel.

Erik P. motioned to table this subdivision until the lot lines are clarified and an agreement is met between the seller and buyers and we receive the Erie County Health Department for approval of the septic system for 12123 Buckwheat Rd. John P. seconded the motion. Hearing All Ayes, No Nays, the motion carried unanimously.

The planning board reviewed the minutes from March 9th and March 23rd.

John P. motioned to accept the minutes from March 9th, Tim M. seconded the motion. Andy K. abstained as he was not in attendance on March 9th. Hearing All other Ayes and No Nays, the minutes were approved unanimously.

John P. motioned to accept the minutes from March 23rd, seconded by Jacob H. Hearing All Ayes, No Nays, the minutes were approved unanimously.

John P. motioned to adjourn the meeting. Tim M. seconded the motion. Hearing All Ayes, No Nays, the meeting was adjourned at 7:05pm.

Respectfully Submitted,

Julie Brady, Recording Clerk