

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
Newstead Town Hall – 6:30PM
September 28, 2026

MEMBERS

PRESENT: Tom Cowan, Chairperson
John Potera
John Olaf
Christine Falkowski
Tim Martin
Jacob Halleck (Alternate)

ABSENT:: Andy Kelkenberg
Erik Polkowski
Dan Dressel (Alternate)

OTHER: Dave Miller, CEO
Julie Brady, Recording Clerk

The planning board meeting began at 6:32pm. by reviewing the minutes of September 14, 2026. Jacob H. motioned to approve the minutes. Tim M. abstained as he was not in attendance. Christine F. seconded the motion. Hearing All Ayes, No Nays, the minutes were approved unanimously.

2-Lot Minor, 5801 Cummings Rd. (SBL# 61.00-1-20.111) owned by County Line Stone, represented by Konrad Diehl, employee and purchaser of one of the parcels. County Line Stone is requesting to split the existing 155.36-acre parcel into three parcels as described below and shown on the site plan:

- (1) 18.186 acres of the northeast portion will be merged with the adjacent neighbor’s property at 5922 Buell St., owned by Jeffrey & Katherine Borden at the time of sale
- (2) 43.886 acres of the northwest property to be sold to Konrad Diehl with the intent of constructing a single-family home
- (3) The remaining 93.392 acres will be retained by the current owner, County Line Stone.

The planning board reviewed the site plan and the short EAF.

John P. motioned to waive the public hearing. John O. seconded the motion. Hearing All Ayes, No Nays, the motion was carried unanimously.

Tom C. concurred with the Town Engineer and Town Attorney that this 2-Lot Minor Subdivision is an Unlisted Action under SEQR. It does not need a coordinated review but as the approving board, the planning board will review the Short EAF and make a SEQR determination prior to approving the minor subdivision.

Tom C. read Part II SEQR Questionnaire with all responses having no or little effect on the environment. Tom C. stated we have reviewed the short form EAF for the project and find no apparent environmental impacts as a result of the project. Do I have a motion to declare a negative declaration under SEQR. Christine F. motioned to declare a negative declaration under SEQR. Tim M. seconded the motion. Hearing All Ayes, No Nays, the motion was carried unanimously.

Jacob H. motioned to approve the 2-Lot Minor Subdivision at 5801 Cummings Rd. Tim M. seconded the motion. Hearing All Ayes, No Nays, the Subdivision was approved unanimously.

Change in Use request by Akron Rescue Cats, Inc./Stephanie Barber to open and operate a Gift Shop & Cat Lounge/Adoption Center at 13021 Main Rd., Akron. (previously “It’s Tactical”, owned by Nature’s Prize) Stephanie B. explained that the front portion of the building will be gift shop for their not-for-profit selling small gifts, toys and shirts. The back portion will be a seating area (lounge) to spend time with the cats up for adoption. NYS law sets a limit of 12 cats per room. This area may also be used for events to promote the adoptions. Stephanie B. explained they have been in business since 2023 and have rescued over 1400 cats, and adopted out over 1,000 cats. These cats are either dropped off to her or rescued from the streets or barns. All cats are fully vetted including shots, microchipped, and spayed/neutered prior to being put up for adoption. The fee is based on the age of the cat as well as discounts available such as seniors (both people & cats), veterans and first responders. The cats are currently sheltered at Stephanie’s home on Cedar St. or are placed in foster care until their adoption. This new location will only be used to house 12 cats at a time and will be used for “meet & greet” adoption or fundraising purposes.

Christine F. motioned recommending this change in use to the Town Board. Jacob H. seconded the motion. Hearing All Ayes, No Nays, the motion was carried unanimously.

Tim M. spoke on the plans Erie County Planning Board is proposing to consolidate the Town's individual planning boards into one County-wide run planning board.

Hearing no further comments, John P. motioned to adjourn the meeting. John O. seconded the motion. Hearing All Ayes, No Nays, the meeting was adjourned at 7:20pm.

Respectfully Submitted,

Julie Brady, Recording Clerk