



**Roberts**  
ENGINEERING GROUP LLC  
*Women Business Enterprise Certified*

1670 Whitehorse-Hamilton Square Rd.  
Hamilton, New Jersey 08690  
609-586-1141 fax 609-586-1143  
www.RobertsEngineeringGroup.com

June 7, 2022

Jane Davis  
Planning Board Secretary  
Borough of Hightstown  
156 Bank Street  
Hightstown, New Jersey 8520

Re: Amended Site Plan Review No. 3  
Applicant: Americana Hospitality Group  
Development: Americana Center  
359 US Route 130 North  
Block 7, Lots 40.02 and 41  
Borough of Hightstown, Mercer County, New Jersey  
Our File No.: HPB202102

Dear Ms. Davis:

This application requests Amended Site Plan approval for Block 7, Lots 40.02 and 41. The site, known as Americana Center, is in both the Borough of Hightstown and the Township of East Windsor. The property fronts on Route 130 in East Windsor. Currently on site within the Borough on Lot 40.02 is a parking lot servicing the Americana Kitchen & Bar, formerly the Americana Diner. The Americana Kitchen & Bar itself is located on Block 57, Lot 11 in East Windsor Township.

The Applicant has previously entered into a lease agreement with the Borough to occupy a 35,650 square foot portion of Lot 41, Block 7 in Hightstown Borough. The existing ten-year lease per Council Resolution 2014-108 and was set to expire on February 5, 2022.

The applicant was previously approved per Planning Board Resolution 2011-16 to construct a parking lot and driveways on the leased land and connect to an existing parking area located on the adjoining Lot 40.02, Block 7, which is owned by the Applicant.

A parking lot with driveways and associated improvements were recently constructed on the leased lot and Lot 40.02 with modifications to the approved plans of Planning Board Resolution 2011-16. The applicant is seeking approval for the modified version of the approved plans.

Health and safety issues had been found within the new parking lot and were needed to be corrected immediately for the public welfare and to satisfy the lease agreement and renewal with the Borough of Hightstown. The construction official was addressing the safety issues.

We have reviewed the following documents submitted in support of the above referenced application:

1. Copy of application letter to the Planning Board from applicant's attorney, Shane and White, LLC dated May 9, 2022, with a received date of May 10, 2022, to the Planning Board.
2. Copy of the Borough of Hightstown Planning Board Application.
3. Copy of an item-by-item response letter addressed to Jane Davis, Planning Board Secretary, from Gregory Oman, P.E., of Menlo Engineering Associates, Inc., dated May 2, 2022. Response to Review Letter dated December 1, 2021 (Review Letter No. 1).
4. Copy of a 24" X 36" plan set entitled, "Americana Center Americana Diner, Parking Lot Improvements, Block 57, Lots 9, 10 & 11 – Township of East Windsor; Block 7, Lots 40.02 & 41 – Borough of Hightstown", 10 Sheets, prepared by Menlo Engineering Associates, Inc, signed and sealed by Gregory S. Oman, PE, dated of issue February 11, 2022, plans revised through April 29, 2022.

Two (2) plans in the set are entitled "Previously Approved Overall Site Plan" and "Previously Approved Grading and Drainage Plan" with a last revision date of April 25, 2019. Apparently, these two (2) plans represent what East Windsor Planning Board approved in 2019.

5. Copy of a 11" X 17" plan set (reduced).
6. Stormwater Management Report prepared by Menlo Engineering Associates, Inc., dated October 9, 2017, and last revised April 25, 2019.
7. Copy of Draft copy of the Notice to the property owners.
8. Copy of Statement indicating the taxes have been paid in full dated May 3, 2022.
9. Copy of 1st Amendment to Lease Agreement dated May 5, 2014, pertaining to a renewal option.
10. Copy of letter from Ms. Debra L. Sopronyi, Borough Clerk, to the Applicant, dated July 9, 2014, regarding Resolution 2014-149 and copy of said resolution for Second Amendment to the Lease.
11. Copy of 2nd Amendment to Lease Agreement dated July 7, 2014, pertaining to the parking of motor vehicles, and permitted use of temporary farm stands.
12. Deeds of property transfers with descriptions and Resolution 1999-4.
13. Certificate of Ownership.
14. Certificate of Title.

#### **I. ZONING**

1. Block 7, Lots 40.02 and 41 are located in the R-3 Residential Zone.
2. In accordance with Ordinance Section 28-3-7(a), a Use Variance is required for Lot 41, (the Lease Area) as parking is not a permitted use in the R-3 District.
3. Planning Board Resolution 2011-16 granted parking in Lot 40.02 of the R-3 Residential Zone. We defer to the Board Planner for additional comments related to a Use Variance.

#### **II. CHECKLIST ITEMS**

The Applicant has satisfied many of the checklist items outlined within the December 1, 2021 review letter. However, some items are requested to be completed and offered the following comments:

**Item No. 3** – Name, title and address of applicant, owner and person preparing application.

*The name of Applicant on application and Cover Sheet do not match.  
The Applicant is not the owner of Block 7, Lot 41*

**Item No. 7** – List of waivers requested.

*Please provide a list of all waivers to be included with the Planning Board application.*

**Item No. 8** – List of all variances requested from the Planning Board by Section of Ordinance.

*Please provide a list of all variances to be included with the Planning Board application.*

**Item No. 8** –Tax map lot and block numbers.

*Please indicate the lot line between Lot 41 and Lot 40.02 on all the sheets.  
Please add label "Lot 41 (leased area)" and revise area for Lot 40.02.*

**Item No. 32**– Landscaping Plan.

*No Landscaping plan has been submitted with the application and the determination of completeness is deferred to the Borough Planner.*

### **III. DESIGN WAIVERS**

1. A design waiver was granted in 2011 from Subsection 28-10-11F which requires parking spaces to be 9 feet by 20 feet. The proposed parking spaces were approved to be 10 feet by 18 feet. The plans appear to have varying parking space widths. The Applicant has indicated 9 feet by 18 feet spaces and noted as a proposed waiver in the zoning table.

Please include the waiver on a list of all waivers to be included with the Planning Board application.

2. According to 28-10-11 (C.) Off-Street Parking and off-Street Loading Facilities. Interior circulation aisles shall be at least twenty-four feet wide, except when designated for one-way use; in that case, they shall be at least 12 feet wide.

The as-built drawings indicate an aisle width of 20.84 feet. Located in the lower portion of Lot 41 between a curbed island and several parking spaces located along northern edge of the parking area on the plans.

Please provide a request and justification for all waivers.

### **IV. COMPLETENESS**

We have recently been informed and observed that the Applicant intends to construct a concrete pad and install two large compactors within the area of several existing parking spaces located in the rear parking area of Lot 40.02. The proposed compactors will be located along the rear property line of the residential lots situated on Oak Lane and may adversely affect these lots.

We recommend this application be deemed incomplete because new site improvements on Lot 40.02 have not been addressed on the current plans.

Plans must be submitted for Lot 40.02 for review of the concrete pad, compactors, modification to the existing parking lot, overall parking spaces available and the impact to the residential lots.

### **V. GENERAL COMMENTS**

#### **BACKGROUND**

1. In May 2011, Americana Diner expressed their desire to enter into a long-term lease agreement. To review the request, the Borough asked that an application for preliminary and final site plan be submitted to the Planning Board for the proposed improvements in the lease area as a portion of Lot 41, Block 7.
2. The applicant was approved per Planning Board Resolution 2011-16 to construct a parking lot and driveways on the leased land and connect them to an existing parking area located on the adjoining Lot 40.02, Block 7, which is owned by the Applicant.

3. On March 5, 2012, a ten (10) year lease agreement was entered into between the Katsifis Family, LLC, and the Borough in accordance with Council Resolution No. 2012-60, commencing on February 6, 2012, and ending on February 5, 2022, for a portion of Lot 41, Block 7.
4. In accordance with Council Resolution 2014-108, which was adopted on May 5, 2014, the lease agreement between the Borough of Hightstown and Katsifis Family, LLC was amended to allow the tenant the right to exercise a renewal option of the lease agreement for two (2) additional terms of ten (10) years each for a portion of Lot 41, Block 7.
5. The newly constructed parking area and site improvements are similar to changes presented in 2019. On December 9, 2019, the applicant presented a revised layout to the approved plans to the Planning Board. The December 2019 plan set was entitled, "Americana Center Amended Preliminary and Final Site Plan, Township of East Windsor and Borough of Hightstown, Mercer County, New Jersey," consisting of 18 sheets, prepared by Menlo Engineering Associates, Inc., issued October 9, 2017, as revised through April 25, 2019. The application was tabled and never approved.
6. On September 19, 2021, health and safety issues were found by Mr. Chin, Borough Construction Official, within the new parking lot. The Applicant was requested to immediately correct the issues for the public welfare and to satisfy the lease agreement and lease renewal with the Borough of Hightstown. The status of these issues is deferred to Mr. Chin.

#### **VI. PARKING AND DRIVEWAY COMMENTS**

1. The site was previously approved for a two-way entrance and exit onto Route 130 near the leased area. The submitted plans indicate a one-way driveway out and no entrance on Route 130. This entrance/exit change impacted the layout of parking spaces and aisles, and the location of the handicap parking spaces. The applicant is to provide a detailed explanation of the driveway change and the subsequent parking layout changes.
2. Parking spaces in the leased area were approved to be 10 feet by 18 feet per the approved 2011 plans.

Parking spaces of 9 feet by 18 feet are provided in the leased area. A design waiver is required for these spaces.

3. Interior circulation aisles shall be at least 24 feet wide, except when designated for one-way use; in that case, they shall be at least 12 feet wide.

The plans indicate an aisle width of 20.84 feet located in the lower portion of Lot 41 between a curbed island and several parking spaces located along northern edge of the parking area. Please confirm the width of 20.84 feet is the narrowest in this area and provide justification for approval of a design waiver.

4. The approved 2011 Plan indicates six (6) handicapped parking spaces in East Windsor at the rear of the building and no handicap parking spaces in the leased area. The 2022 plan submitted indicates four (4) handicap spaces and a ramp in the leased area. The site also appears to have additional handicap parking at the front, but this is not shown on the Drawings.

Please confirm the total overall number of handicapped spaces for the restaurant and provide their location on the plans.

The Applicant's engineer has stated in his response letter that their office will conduct a site inspection to confirm the parking spaces meet ADA requirements

5. Proposed site improvements to the rear parking area of Lot 40.02 will decrease the number of current parking spaces and require Borough approval.
6. A copy of 2nd Amendment to Lease Agreement dated July 7, 2014, pertaining to the parking of motor vehicles, and permitted use of temporary farm stands was submitted with this application. Please provide information about the location of the temporary farm stand and its impact to the parking lot and circulation, and its current status.

#### **VII. GRADING AND STORMWATER MANAGEMENT COMMENTS**

1. The stormwater systems shown on the plans appear to be different from what was approved for the 2011 plans. This seems to be as a result of the parking space and aisle modification subsequent to the Route 130 driveway change. The Applicant is to provide testimony and an explanation of the differences.

Some of the differences are as follows:

- a. Several pipes are proposed to be abandoned and inlets converted to manholes.
  - b. New pipes and inlets are proposed for the revised parking space and aisle layout.
  - c. Stormwater is proposed to be directed to an inlet located at a curb cut area adjacent to a handicapped space and access. Please provide information that the inlet can sufficiently manage the flow without ponding at the handicapped space and access.
2. The existing offsite 12" CIP must sufficiently convey flow from the revised stormwater system. Please provide supporting information.
  3. The Stormwater Management Report prepared by Menlo Engineering Associates, Inc., dated October 9, 2017, and Rev.4) April 25, 2019, needs to be revised. Pipe calc entries do not match the existing and proposed structure and pipe information shown on the plans. Please provide an updated report.

#### **VIII. APPROVALS**

Approval of this application will be conditioned upon the Applicant obtaining or providing approved documents for the following:

1. Mercer County Soil Conservation District
2. Mercer County Planning Board
3. Borough of Hightstown Fire Department
4. Borough of Hightstown Construction Official

#### **IX. FEES**

<u>DESCRIPTION</u>	<u>APPLICATION FEES</u>	<u>ESCROW FEES</u>
Preliminary Site Plan	\$750.00	\$3,565.00

Amended Site Plan Review No. 3  
Applicant: Americana Hospitality Group  
Development: Americana Center  
359 US Route 130 North  
Block 7, Lots 40.02 and 41  
Borough of Hightstown, Mercer County, New Jersey  
Our File No.: HPB202102  
Page 6 of 6

Final Site Plan	\$500.00	\$1,782.50
Resubmission of Incomplete Application	\$500.00	\$0
<b>Total:</b>	<b>\$1,750.00</b>	<b>\$5,347.50</b>

We will continue our review based upon submission of revised plans.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Carmela Roberts, P.E., C.M.E.  
Borough Engineer

cc: Scott Miccio, Associate, Parker McCay, Planning Board Attorney  
Brian Slaugh, PP, AICP, Clark, Caton, Hintz, Planning Board Planner  
George Chin, Borough Construction Official  
Mark S. Shane, Esq., Shane and White, LLC, Applicant's Attorney  
Gregory Oman, P.E., Menlo Engineering Associates, LLC, Applicant's Engineer  
GS-Bachman, E.I.T., Roberts Engineering Group, LLC