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August 31, 2022

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

Re: Amended Site Plan Review No. 4
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 was set to expire on February 5, 2022. The lease has automatically renewed for a ten-year term.

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 the Borough of Hightstown Planning Board Application. Received and Filed July 21, 2022.
2. 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 July 14, 2022. Response to Review Letter dated June 7, 2022 (Review Letter No. 3). Response letter also includes a listing of submitted documents.
3. 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 July 13, 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.

4. Copy of a 11" X 17" plan set (reduced).
5. Copy of all waivers requested.
6. Copy of all variances requested
7. Stormwater Management Report prepared by Menlo Engineering Associates, Inc., dated October 9, 2017, and last revised July 13, 2022.
8. Copy of Draft copy of the Notice to the property owners.
9. Copy of Statement indicating the taxes have been paid in full dated May 3, 2022.
10. Copy of 1st Amendment to Lease Agreement dated May 5, 2014, pertaining to a renewal option.
11. 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.
12. 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.
13. Deeds of property transfers with descriptions and Resolution 1999-4.
14. Certificate of Ownership.
15. 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.
4. An additional variance is required because more impervious coverage has been added for construction of a new concrete pad for a dumpster and compactors and an increased aisle width to 24 feet. The additional impervious coverage exceeds the previously granted variance of 76.4% for the site's maximum impervious coverage and has increased to 77.1%. (Ordinance Section 28-3-7(b)10).

II. CHECKLIST ITEMS

The Applicant has satisfied many of the checklist items outlined within the June 7, 2022, review letter. However, some items are requested to be completed and we offer the following comments:

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

Please confirm the address for Block 7, Lot 41 on the application and Cover Sheet.

Item No. 32– Landscaping Plan.

A Landscaping Plan was requested in Review Letter #3 and has been submitted with the application. The review of this plan 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.

The Applicant is seeking a design waiver for 9'x18' parking spaces as indicated on the provided list of waivers and the zoning table.

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 drawing indicates 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 the northern edge of the parking area on the plans.

The plans have been revised to show a curb modification to allow a 24-foot drive aisle width. The modification is acceptable, and a design waiver for aisle width is not required.

IV. COMPLETENESS

Prior to Review Letter No. 3, we were informed and observed that the Applicant intended 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.

Plans have been revised to indicate the concrete pad, compactors, the modification to the existing parking lot, overall parking spaces availability and the impact to the residential lots.

We recommend this application be deemed complete because new site improvements on Lots 40.02 and 41 have been addressed on the current plans and reports.

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 new 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 and has been requested for this submission.

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 have been modified to provide a 24-foot-wide aisle by the removal of existing curbing and placement of new curbing and pavement.

Please confirm the change for impervious coverage from the aisle modification and its impact to the maximum impervious coverage for the site and previously granted variance.

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.

The Applicant is to confirm the total overall number of handicapped spaces for the restaurant and provide their location on the plans. Please show all handicapped signage.

The submitted plans for this application indicate two proposed handicapped spaces in the rear of the restaurant which are located in the Township of East Windsor. Six handicapped spaces have been provided for the restaurant of which four are located in the leased area of Lot 41.

5. The existing concrete pad which is in Lot 40.02 and the leased area of Lot 41 are proposed to be expanded and to contain 2 compactors and a dumpster. The expansion has removed one parking space and the location of the compactors and dumpster has limited the accessibility of two or more existing spaces thus decreasing the overall available parking.

The reduction of one space has been updated in the zone data chart.

The concrete pad expansion, the decreased number of parking spaces, and the compactor locations require Borough approval.

6. The Applicant has provided three spaces designated as "Employee Only" parking with signage and indicated that the spaces will allow control over the access to the compactor area.

Please provide information about access to the compactor area.

7. A proposed 8-yard dumpster is shown on an existing concrete pad in the leased area of Lot 41. The dumpster must be removed per the lease agreement.
8. The 2nd Amendment to the Lease Agreement, dated July 7, 2014, permitted the use of temporary farm stands and was submitted with the prior submission.

The Applicant's engineer has stated that the farm stand is no longer valid.

9. Please revise the title of Sheet 5 to reflect existing conditions, proposed demolition, and other site work.

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.

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.

The Applicant's engineer has indicated that testimony will be provided to the Planning Board regarding the differences between the approved 2011 stormwater system and the proposed and current stormwater systems.

2. The Applicant's engineer has satisfactorily demonstrated that the existing and proposed stormwater system has sufficient capacity for outfall flows and runoff has been reduced from the site.

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

The Applicant's engineer has indicated that Borough and outside agency approvals will be obtained for the site.

IX. FEES

<u>DESCRIPTION</u>	<u>APPLICATION FEES</u>	<u>ESCROW FEES</u>
Preliminary Site Plan	\$750.00	\$3,565.00
Final Site Plan	\$500.00	\$1,782.50
Resubmission of Incomplete Application	\$500.00	\$0
Total:	\$1,750.00	\$5,347.50

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 Slauch, 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