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December 1, 2021

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

Re: Revised - Amended Site Plan Review No. 1
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, as well as waivers, 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 is 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 connected 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 have been found with the new parking lot which need to be corrected immediately for the public welfare and to satisfy the lease agreement and renewal with the Borough of Hightstown. The construction Official is addressing the safety issues.

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

1. Borough of Hightstown Planning Board Application dated November 29, 2021.
 - a. Copy of application letter to the Planning Board from applicant's attorney, Shane and White, LLC dated November 3, 2021, hand delivered with a received date of November 5, 2021, to the Planning Board.
 - b. Copy of Letter of Transmittal by Menlo Engineering Associates dated October 28, 2021, as submitted drawing list.
 - c. Copy of Escrow Agreement dated November 29, 2021, signed by owner and Planning Board Secretary.
 - d. Copy of Planning Board Application, no date and incomplete, signed by owner.
 - e. Copy of W-9, signed and dated November 3, 2021, signed by owner.

- f. Copy of Subsection 26-9-2 Checklist for Site Plans, incomplete.
 - g. Copy of a letter from the Borough of Hightstown to owner dated October 16, 2009, regarding approved Council Resolution 2009-229, signed Deputy Clerk
 - h. Copy of Council Resolution 2009-229-Second Extension of the Temporary Use and Occupancy Agreement Block 7, Lot 41, certified copy signed Deputy Clerk.
 - i. Copy of Second Extension of the Temporary Use and Occupancy Agreement Block 7, Lot 41, dated October 22, 2009, signed Deputy Clerk, owner and others.
 - j. Copy of Council Resolution 2008-244-Borough of Hightstown awarding bid for the lease of a portion of certain borough-owned property located at Block 7, Lot 41, certified copy signed Deputy Clerk.
 - k. Copy of Lease Agreement, blank areas for information, not completed and not signed.
 - l. Copy of a plan entitled "Lease Area Parking Plan Exhibit, prepared by Menlo Engineering Associates, Inc, date unclear, no signature.
 - m. Copy of a letter from the Borough of Hightstown to owner dated December 11, 2011, regarding approved Planning Board Resolution 2011-16.
 - n. Copy of Planning Board Resolution 2011-16.
 - o. Copy of Second Review letter to Hightstown Planning Board by Roberts Engineering Group, LLC dated November 11, 2011.
 - p. Copy of Request for Certified List by client's attorney, Mark Shane, Esq., no date.
- 2. Copy of a plan entitled "As-built for Americana Center for Block 57 Portion of Lot 9.01, Township of East Windsor, Mercer County, New Jersey", 1 sheet, prepared by Control Layouts, Inc., signed and sealed by Gregg A. Gaffney, PLS, dated October 12, 2021.
 - 3. Copy of a plan entitled, "Americana Center Overall Plan, Block 57, Lots 9, 10 & 11 – East Windsor; Block 7, Lots 40.02 & 41 – Hightstown", Sheet #4, prepared by Menlo Engineering Associates, Inc, signed and sealed by Julius T. Szalay, PE and LS, dated November 24, 2010, and last revised March 23, 2012.

We offer the following comments and recommendations for the Planning Board's consideration:

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, as parking is not a permitted use in the R-3 District.
Planning Board Resolution 2011-16 granted parking in the R-3 Residential Zone. We defer to the Board Planner for additional comments related to a Use Variance.

II. CHECKLIST WAIVERS

- 1. Checklist waivers have been requested and commented.

*We recommend that a new set of plans be provided by the Applicant for the review of this item.

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

Waiver not recommended. Signature area needed on plan.

Item No. 4* – Place for signature of Chairman and Secretary of Planning Board.

Waiver not recommended. Signature area needed on plan.

Item No. 5* – Place for signature of Borough Engineer.

Waiver not recommended. Signature area needed on plan.

Item No. 7* – List of waivers requested.

Waiver not recommended. A list of waivers needs to be provided to indicate the modifications between the approved 2011 plans and the current parking area and improvements.

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

Waiver not recommended. A list of variances needs to be provided to indicate the modifications between the approved 2011 plans and the current parking area and improvements.

Item No. 9* – Tax map lot and block numbers.

Waiver was not requested. Item incomplete.

Item No. 11* –Key Map of the site with reference to surrounding areas and to existing street locations, containing existing buildings and lot lines within two hundred (200) feet of the site.

Waiver was not request. Item incomplete.

Item No. 12 – A submitted boundary and topographic survey must be signed and sealed by a New Jersey Licensed Land Surveyor in accordance with N.J.A.C. 13:40-5.

Waiver not recommended. Required.

Item No. 13*– Zone district in which property in question falls, zone district of adjoining properties and all property within two hundred (200) foot radius of the property in question.

Waiver was not request. Item incomplete.

Item No. 14* –Names of owners of all contiguous land and adjacent property within two hundred (200) feet as per certified list obtained from the Borough.

Waiver not recommended. A Request for Owners form is provided in the application to the Planning Board. Owners must be listed on the plans and notified.

Item No. 16A* –The outside dimensions of existing and/or proposed principal building(s) and all accessory structures.

Waiver was not request. Item incomplete.

Item No. 18* –Significant existing physical features including streams, water courses, rock outcrops, swampy soil, etc.

Waiver required. Item is noted as N/A.

Items No. 19-22* –Related to required existing site improvements and proposed site improvements.

Waivers not recommended.

Item No. 23* – Grading Plan with existing and proposed contours ...by the Borough Engineer.

Waiver not recommended. To be reviewed for any deficiencies of the current layout and elevations.

Items No. 24-25 -Related to profiles and cross sections.

Waivers required. Item is noted as N/A.

Item No. 26* – Dimensions of lot, setbacks, front yard, side yards and rear yards; size, kind and location of fences.

Item incomplete.

Items No. 27-29* – Drainage plans and Stormwater Management Submission.

Waiver not recommended. Determination of any deficiencies of the current layout and elevations.

Items No. 30-34*– Signs, Construction details, Landscaping, Off-street parking and layout, Lighting information

Waiver not recommended. To be reviewed for any deficiencies of the current layout and elevations.

Items No. 38-42– Contribution Disclosure Statement, Owner's Certificate or Affidavit of Title, Draft Public Notice, Proof of taxes, assessments, sewer and water charges paid, & Disclosure of Ownership.

No waiver requested. Documents not provided.

III. DESIGN WAIVERS

1. Subsection 28-10-10F requires parking spaces to be 9 feet by 20 feet. A design waiver was granted for the approved 2011 plans for proposed 10 feet by 18 feet spaces.

IV. COMPLETENESS

It is recommended that this application be deemed incomplete for review by the Board.

Insufficient information has been provided to prepare a proper review of the leased portion in Block 7, Lot 41.

It is recommended that the Applicant present an application accompanying a full plan set and appropriate waivers to the Planning Board requesting an approval of plans which represent the recently constructed parking area and site improvements.

V. GENERAL COMMENTS

BACKGROUND

1. In May 2011, Americana Diner expressed their desire to enter into a long-term lease agreement. In order 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 plan set was tabled and never approved.

GENERAL

The current site layout and improvements are significantly different to the approved 2011 plans.

The As-built plan refers to the Geometry and Grading plans from the 2019 plan set.

The As-built plan does not acknowledge the Borough of Hightstown, the municipal boundary line, leased portion of Lot 41 or Lot 40.02 in Block 7 of the Borough of Hightstown on the plan or the title block.

The following comments are based upon the comparison of the Overall Site Plan and As-built plan that were provided with the application.

VI. PARKING AND DRIVEWAY COMMENTS

1. The site was approved for a two-way entrance and exit onto Route 130 near the leased area. The As-built plan only represents one-way.
2. Parking spaces in the leased area were approved to be 10 feet by 18 feet per the approved 2011 plans. Parking spaces are sized as 9 feet by 18 feet are in the leased lot per the As-built plan. A waiver is required.
3. The Overall Plan indicates six (6) handicapped parking spaces in East Windsor. Four (4) spaces and a ramp are shown in the leased area on the As-built plan. The handicapped parking spaces and ramp were not approved for the lease lot.
4. Six (6) handicapped parking spaces are required for 200 or less regular spaces and seven (7) handicapped spaces per 201 or more regular spaces in parking areas. Only 4 handicapped spaces are shown on the site.
5. No handicapped signs are indicated on the As-built plan.
6. No stop signs or other directional signs are indicated on the As-built plan.
7. Confirm that the current impervious coverage is equal to or less than the approved 76.4% maximum impervious coverage.
8. A large dumpster and three smaller dumpster/bins/compactor units appear to be located on a concrete pad in the leased area. According to the lease agreement, the premises are to be used and occupied as a parking lot for the parking of motor vehicles, and for no other purpose(s). The As-built plan does not indicate the concrete pad with the dumpster/bins/compactor units. Confirm if the concrete pad and dumpster/bins/compactor units are in the leased lot. If so, provide testimony as to why the Planning Board should accept this change.

VII. GRADING AND STORMWATER MANAGEMENT COMMENTS

1. Applicant must provide an updated as-built plan regarding the stormwater management system(s) and an updated stormwater management report. Inlet locations are different.
2. Several grades on the As-built plan indicate that stormwater is not reaching the intended inlet and is ponding. Regrading of portions of the lot and/or resetting of grates is necessary to eliminate tripping hazards, ponding, and icing conditions. Revise plans as necessary for positive drainage.
3. The As-built plan does not provide sufficient information to confirm that the dedicated handicapped spaces and ramps meet ADA requirements. Additionally, delineators are not indicated on the plan.

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

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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
Final Site Plan	\$500.00	\$1,782.50
Total:	\$1,250.00	\$5,347.50

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
Mark S. Shane, Esq., Shane and White, LLC, Applicant's Attorney
George Chin, Borough Construction Official
Julius T. Szalay, P.E., Menlo Engineering Associates, LLC, Applicant's Engineer
GS Bachman, Roberts Engineering Group, LLC