

## Application Addendum

### Background:

Rite Aid of New Jersey, Inc. (the "Applicant"), as successor in interest to Eckerd Pharmacy, is requesting an amendment to West Grove Associate LLC's original site plan approval. Previously the property was considered part of the CN-R Zone and subject to its zoning regulations. The ordinance was later amended, and the property rezoned to the B-1 Town Commercial Zone. During the Board of Adjustment's hearing for site plan approval the Board indicated it was aware of a proposed amendment that would rezone the property. Ultimately the Board granted the requested variances for the pharmacy's signage even though such approval would later cause greater deviations under the terms of the pending amendment to the ordinance.

In the CN-R Zone only two facade signs (if a corner lot) were permitted. The 13,207 square foot proposed pharmacy was allowed one sign on the southern elevation and one sign on the eastern elevation. The sign on the southern elevation was allowed a maximum surface area of 180 square feet and the sign on the eastern elevation a maximum surface area of 287 square feet. The Board recognized that under the proposed rezoning, the permitted number of facade signs at the pharmacy would remain the same, but the maximum surface area would decrease to 48 square feet per sign. Even though the proposed amendment would continue to limit the number of facade signs and further restrict the maximum sign area per sign, the Board granted a variance permitting a total of seven facade signs on the proposed pharmacy's elevations. The seven permitted signs were two "Eckerd" signs, two "Drive-Thru Pharmacy" signs, one "One Hour Photo and Food Mart" sign, and two "Exit" signs. An additional variance was granted to allow one facade sign to be mounted on the northern elevation where no signage was permitted. A third variance was sought for the total sign area of signage permitted per elevation. The Board permitted the signs on the southern elevation to have a maximum sign area of 150 square feet, the signs on the eastern elevation to have a maximum sign area of 110 square feet, and the sign on the northern elevation to have a maximum sign area of 10 square feet. Variances were not needed for the pylon sign and the directional signs.

Subsequently, the original pharmacy, Eckerd, was bought by Applicant. The Eckerd signs were then converted/rebranded as needed. Replacing the original 7 facade signs were 9 facade signs. The directional sign (it is unclear if this was ever replaced) and the pylon sign (with the exception of the rebranding) essentially mirror the originally permitted signs. These signs were replaced without an additional application to the Zoning Board of Adjustment. Applicant never received a notice of a violation or a request that additional permits and/or approvals be obtained. In fact, in 2016 Applicant applied for a permit to remove outdated "Photo and Food Mart" facade sign and replace it with new "Hackensack Meridian Health/Redi Clinic" sign. The Zoning Officer cited the original resolution but did not question the fact Applicant never went before the board when the pharmacy rebranded. The permit was approved.

Pursuant to Ordinance 15-28, Section 201.1 "A sign shall be considered abandoned when the business activity or firm, which such sign advertises, is no longer in operation." The pharmacy has always remained operational. Nor was there ever any change in use, occupancy, or vacancy at this location (Ordinance 15-28, Section 416.02. J.). As a result, the previous signage approvals remain intact. At this time, Applicant has removed its facade signs and installed temporary banners in anticipation of Zoning Board approval. While premature, this removal should not be construed as an abandonment of the signs

initially permitted by the Board. While Applicant was unaware it needed to make an application to the Zoning Board when it first purchased the pharmacy, it now hopes to obtain any and all approvals it needs as it updates the Pharmacy's signage and façade.

Enclosed for your review is a signage chart listing the previously approved Eckerd signs and total permitted sign area for each elevation. Please note, neither Applicant nor Neptune Township were able to locate the Eckerd's original signage package. We are relying on whatever information we could find in the old resolutions and West Grove Site Plan provided by the Township. The remaining columns list out the 'current' or rebranded signs that Applicant installed, their dimensions, size and total surface area on each façade. Lastly are Applicant's proposed updates to the signs, their dimensions and size. As shown on the chart, Applicant would like to permanently remove 5 of the existing façade signs, decreasing the total number of façade signs. All the proposed signs will be the same size or smaller than those they intend to replace. All proposed signs will also remain in the same location as those they are replacing.

Variations Requested:

Ordinance 15-28, Section 416, Subsection 2. K. states that any lawfully nonconforming sign may be altered as follows:

1. Minor and nonstructural maintenance and/or repairs to the sign support structure and/or frame may be completed.
2. Re-lettering of an existing sign face containing the same specific message or letters may be completed.
3. An existing sign face may be replaced, provided there is no expansion in sign area, and provided the general provisions of this Subsection are satisfied.

Section 416.07 subsection B allows no more than one sign on the Southern Façade at no more than 48 square feet of sign area. Originally the Board allowed 4 signs with a combined surface area of 150 square feet on Southern elevation. After the rezoning, the signs became pre-existing non-conforming under the B-1 zone. After Applicant's acquisition of the pharmacy the number of signs remained the same. Applicant proposes to remove two façade signs, decrease the size of two remaining façade signs, and add a third sign to the façade for a total sign area of 94.80 square feet. The proposed third sign will be in the same location as one of the signs that will be removed. Since there will be an over 50 square foot reduction in the combined sign area at this façade and one less sign than what was previously approved, Applicant does not believe any variance is required for the Southern Elevation.

Section 416.07 subsection B allows no more than one sign on the Eastern Façade at no more than 48 square feet of sign area. Originally the Board allowed 2 signs with a combined sign area of 110 square feet. After Applicant's purchase of the pharmacy, the number of signs increased to 3 signs with a combined sign area of 121.20 square feet. Applicant proposes to remove 1 sign and decrease the total sign area to 76.9 square feet. Applicant does not believe any variance is required for the Eastern Elevation.

While it is clear the drive thru is original to this pharmacy, we have no information on whether signage was approved for the Drive Thru Elevation. After the rebranding, Applicant added three directional façade signs to the Drive Thru Elevation with a combined sign area of 19.3 square feet. Applicant now proposes to remove one sign, decrease the size of an existing exit sign, and add 3

additional façade signs. Despite the net addition of two signs, the total sign area will decrease from 19.3 square feet to 11.6 square feet. Currently Section 415.08 Drive-through Restaurants. permits drive-through areas in the B-1 Zone as a conditional use. Subsection D.1. allows for two (2) internally illuminated menu boards not to exceed twelve (12) square feet in area may be provided within the building envelope. Applicant's proposed signs are related to its operation of the pharmacy drive-through, not the ordering of food, and will have a combined sign area of 11.6 square feet. Applicant requests a variance from Section 415.08.D.2. to permit 5 Drive-thru elevation façade signs with a combined sign area of 11.6 square feet as opposed to the two (2) menu board signs authorized by the ordinance.

There remains one originally approved directional sign which has either remained the same or was replaced in kind after the merger. The directional sign is currently 4.2 square feet. Applicant proposes to replace the directional sign with one that is slightly smaller in dimension at 4.0 square feet. Under the B-1 Zone directional signs are allowed a maximum 3 square feet (Section 416.07.E). However, as this directional sign was previously permitted and is now being replaced by a smaller sign, no variance is needed (Section 416.02.K).

While the Pylon sign was rebranded after the Applicant's acquisition of the pharmacy, its dimensions, size and location on the premises were never altered. As shown on the signage chart, the dimensions on the original site plan/resolution are rounded whole numbers while the proposed update in the signage package provides exact dimensions. Applicant does not believe any variance is required for the pylon sign.

#### 9. Justification/Reason(s) for variance(s) requested:

When Applicant purchased the pharmacy, it rebranded and replaced some of the existing signs in order to reflect the change in the pharmacy's name and logo. Applicant was unaware those replacement signs triggered the need for an amended site plan approval. In fact, on December 6, 2016 Applicant successfully requested a zoning permit to remove and replace some outdated signage without any direction to return to the Board. The zoning review memo is attached hereto. Upon recent application to the Construction Department, Applicant was informed it must go before the Board of Adjustment in order update its signage at the property. While Applicant does not have complete knowledge of the original Eckerd sign's dimensions and size (nor does the Township), Applicant is working with the information provided in the initial site plan approval. Ultimately, Applicant is hoping to update its signage by removing outdated and excessive signage and shrinking the size of some of the remaining signs. The anticipated result will be a pharmacy with a more modern and streamlined appearance. While the proposed drive-thru signs are not expressly allowed by the ordinance, the total size of the proposed signs is smaller than the two (2) menu board signs that are expressly allowed. Those signs will provide necessary guidance to drivers who will be utilizing the drive-thru the use of which has significantly increased due to customers' COVID-19 concerns.