

**LEON S. AVAKIAN, INC.** *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

LEON S. AVAKIAN, P.E., P.L.S. (1953-2004)  
PETER R. AVAKIAN, P.E., P.L.S., P.P.  
MEHRYAR SHAFAI, P.E., P.P.  
GREGORY S. BLASH, P.E., P.P., CPWM  
LOUIS J. LOBOSCO, P.E., P.P.  
GERALD J. FREDA, P.E., P.P.  
RICHARD PICATAGI, L.L.A., P.P.  
JENNIFER C. BEAHM, P.P., AICP  
CHRISTINE L. BELL, P.P., AICP  
SAMUEL J. AVAKIAN, P.E., P.L.S.

November 29, 2021

Kristie Dickert, Administrative Officer  
Zoning Board of Adjustment  
Neptune Township  
P.O. Box 1125  
Neptune, NJ 07754-1125

**Re: Rite Aid (West Grove Square) (ZB#21/18)**  
**25-75 So. Main Street**  
**Block 306, Lot 7**  
**Bulk Variance for Signage**  
**Our File: NTBA 21-18**

Dear Board Members:

Our office received and reviewed materials that were submitted in support of an application for bulk variance approval for signage the above referenced project. The following documents were reviewed:

**1. Documents Reviewed:**

- Neptune Township Zoning Approval dated December 6, 2016
- Neptune Township Zoning Denial dated September 11, 2020.
- Neptune Township Zoning Denial dated May 7, 2021.
- Neptune Township Zoning Determination Letter from George Waterman, Zoning Officer, dated August 22, 2018.
- Rite Aid Sign Package, consisting of 16 sheets, prepared by Stratus Unlimited, dated last revised June 3, 2021.
- Comparison of exiting, current, and proposed signage, consisting of three (3) sheets.
- Application Addendum.
- Neptune Township Application for Use and/or Bulk Variances and Completeness Checklist, dated August 3, 2021.

## 2. Site Analysis and Project Description

The subject property, Block 306, Lot 7, a 6.93-acre lot located along Route 71 between Route 33 and Springwood Ave, in the B-1 Town Commercial Zoning District. The site is currently developed with retail shopping center and pad sites, including a PNC Bank, 7-11, Luigi's Pizza, Yummy Yummy Chinese, UPS Store, Bagel Talk, and a Burger King. Commercial uses are located to the south, across Route 33, the Asbury Park Public Works Facility is located to the north, commercial, residential, and public uses are located to the east across Route 71, and industrial and commercial uses are located to the west across the North Jersey Coast Line Railroad.

The site was previously owned by West Grove Square Associate LLC, which received site plan approval in 2000 to construct a commercial development containing the Eckerd Pharmacy. The previous Applicant obtained a number of signage variances for the Eckerd building, including a variance permitting seven (7) façade signs, a variance permitting one (1) façade sign on the northern elevation where no signage was permitted, and a third variance for the total sign area of signage permitted. Variances were not needed for the pylon sign and the directional signs.

Subsequently, the original pharmacy was bought by Rite Aid (the "Applicant"), which replaced the seven (7) Eckerd façade signs with nine (9) façade signs without Planning or Zoning Board approval. The last sign construction approved by the Zoning Board was in 2016 to replace the outdated "Photo" and "Food Mart" signs with new "Hackensack Meridian Health/RediClinic" signs. Per the Zoning Determination Letter, there have been no zoning violations since August of 2018.

The Applicant is seeking bulk variance approval to do the following:

- Remove six (6) façade signs (E11, E13, E15, E17, E18, E20);
- Remove and replace five (5) façade signs and one (1) directional sign (E4, E10, E12, E14, E16, E20); and
- Add five (5) new façade signs

The existing eight (8) regulatory signs and one (1) tenant sign will remain as is. The Applicant has provided construction details for a total of 11 signs (R1 through R11). All of the proposed signs will be of the same size or smaller than those they intend to replace, and all proposed signs will remain in the same location as those they are replacing. There are 20 existing signs in total, and 20 signs will remain after the proposed removal, replacement, and addition of signs.

3. **Consistency with the Zone Plan**

The subject property is located in the B-1 Town Commercial Zone District. The B-1 Zone District is intended to serve the needs of specific surrounding residential neighborhoods by providing for retail sale and service uses. The need to complement and preserve the character of the surrounding residential neighborhoods is paramount. Permitted uses within the B-1 Zone District include furniture and home furnishing stores, electronics and appliance stores, musical instrument stores, sporting goods, hobby and book stores, food and beverage stores, health and personal care stores, clothing and clothing accessories stores, general merchandise stores, miscellaneous store retailers, credit intermediation and related activities, securities, commodity contracts, and other financial investments and related activities, insurance carriers and related activities, real estate, rental and leasing services, educational services, ambulatory health care services, social assistance, performing arts and related industries, food services and drinking places, personal laundry services, repair and maintenance, administrative and support services, professional, scientific and technical services, and funeral homes. Mixed use (residential over retail) is permitted as a conditional use within the zone district. **This application will require bulk variance relief related to the proposed number, type, and size of proposed signage.**

4. **Zoning Requirements**

- A. As per §415.08D.2, two (2) internally illuminated menu boards not to exceed twelve (12) square feet in area may be provided within the building envelope, whereas the Applicant is proposing five (5) drive-thru elevation façade signs with a combined sign area of 11.6 sq. ft. **A variance is needed.**
- B. As per §416.03A.3, internally illuminated signs shall not have a white or light-colored background or signboard, whereas the pharmacy sign is internally illuminated with a white background. **A variance is needed.**
- C. As per §416.07A.1, one wall-mounted sign is permitted, whereas five (5) drive-thru elevation façade signs and six (6) other façade signs are proposed, amounting to 11 façade signs. **A variance is needed.**
- D. As per §416.07A.1, one wall-mounted sign not to exceed an area of 48 sq. ft. is permitted, whereas the proposed Rite Aid sign (R2) is 59.4 sq. ft. **A variance is needed.**
- E. As per §416.07A.2, one freestanding type B sign not to exceed an area of 48 sq. ft., a height of 15 feet, a horizontal dimension of 10 feet, whereas the proposed Rite Aid freestanding sign (R9) is 49.2 sq. ft. **A variance is needed.**

- F. As per §416.07A.2, the minimum required setback for one freestanding type B sign is 10 feet, whereas the setback for the proposed Rite Aid freestanding sign (R9) has not been provided. The Applicant should update the plan to indicate the required setback. **A variance may be needed.**
- G. As per §416.07E, directional signs shall not exceed three (3) sq. ft., whereas the proposed directional sign (R10) is four (4) sq. ft. **A variance is needed.**
- H. As per §416.07E, directional signs shall not exceed three (3) feet in height, whereas the proposed directional sign (R10) is 4 feet, 4 inches tall. **A variance is needed.**

**5. Required Proofs for Variance Relief**

**A. *C Variances***

**A number of “c” variances are required. There are two types of c variances with different required proofs.**

- 1) Boards may grant a c(1) variance upon proof that a particular property faces hardship due to the shape, topography, or extraordinary and exceptional situation uniquely affecting the specific property.
- 2) Boards may grant a c(2) variance based upon findings that the purposes of zoning enumerated in the MLUL are advanced by the deviation from the ordinance, with the benefits of departing from the standards in the ordinance substantially outweighing any detriment to the public good. The Supreme Court’s ruling in Kaufmann v. Planning Board for Warren Township provides additional guidance on c(2) variances, stating that “the grant of approval must actually benefit the community in that it represents a better zoning alternative for the property. The focus of the c(2) case, then, will be...the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community.”
- 3) C variances must also show consistency with the negative criteria as well.

**6. Additional Comments**

- A. The Applicant should provide testimony on all required variances and clarify all points where additional information is needed.
- B. The Applicant should indicate if any improvements to the site are proposed.

- C. The Applicant should include North Arrows in the Site Overview to better indicate the location of the existing and proposed signage.
- D. The Applicant has indicated existing "RediClinic" sign (E5) will remain as is, yet a comment on page 12 of the sign package indicates the existing faces are to be removed and replaced. The Applicant should confirm if E5 will be renovated, and if so, include details of such.

Should you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Matt Shafai, P.E.  
Board Engineer



Jennifer C. Beahm, P.P.  
Board Planner

MS:ir:clb:mcs

cc: Monica Kowalski, Esq., Board Attorney  
William F. Harrison, Esq., Applicant's Attorney  
NTBA/21/21-18a