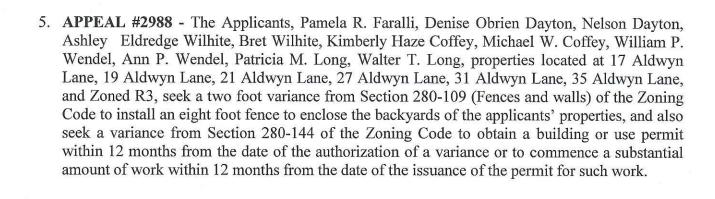


Community Development Department ZONING HEARING BOARD AGENDA

Thursday June 15, 2017 7: 00 P.M.

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. APPEAL #2985 (Continued) The Applicant, Villanova University, property located at Villanova West Campus at Spring Mill and County Line Roads and Zoned PI, appeals the determination of the Zoning Officer dated March 9, 2017, or in the alternative, requests a variance from Section 280-69(C) regarding height of the structure or such other relief as may be required from Section 280-69(C) or Section 280-70 of the Zoning Code to install an air-supported temporary seasonal dome on its West Campus.
- 4. APPEAL #2987 The Applicant, Gary E. McClain, property located at 307 and 309 Conestoga Road and Zoned R3, seeks relief sought by variance, special exception or otherwise under section 280-101 (b) and (c), to permit the following relief for these two lots which are nonconforming because they are narrower at the building line than permitted under section 280-25, or a finding that the relief is permitted by right, more specifically detailed as follows, to allow: as to 307: a. under section 280-25 (a) for the construction of a new single family house on the lot, which is 50 feet wide at the building line where a width of 70 feet at the building line is required. b. under section 280-25 (d) (1), which requires two side yards which shall be not less than 35 feet in aggregate width and neither of which shall be less than 15 feet in width, for the intrusion of the proposed new single family house into the side yard setbacks as shown on the attached plan. as to 307 and 309: the construction and use of a shared driveway between the two lots as shown on the attached plan, which is necessitated by the narrowness of the two lots. which will eliminate the use of off street parking on 307 and eliminate the existing off street parking within the front yard setback on 309, which is nonconforming under section 280-105 (a) because it is not separated from Conestoga Road by at least 5 feet by a barrier of the sizes or types required, as to 309: a. under section 280-25(a) for the continued nonconformity of the existing single family house on the lot, which is 50 feet wide at the building line where a width of 70 feet at the building line is required. b. under section 280-25 (c) for the continued intrusion of the existing house into the front yard setback by 4.8 feet, because it is only 30.2 feet from Conestoga Road where 35 feet is required. c. under section 280-25 (d), which requires two side yards which shall be not less than 35 feet in aggregate width and neither of which shall be less than 15 feet in width, for the continued intrusion of the existing single family house into the side yard setbacks as shown on the attached plan, d. if permission to construct the common driveway requested in paragraph 2 hereof is not granted, to permit the continued nonconformity of the off street parking as it exists on 309 Conestoga Road.



The next meeting of the ZHB is scheduled for July 20, 2017. Applications for the July 20, 2017 meeting must be submitted on or before June 20, 2017.

ZONING HEARING BOARD APPLICATION

TOWNSHIP OF RADNOR

301 IVEN AVENUE WAYNE, PA 19087 610-688-5600 FAX: 610-971-0450

www.radnor.com www.radnor.com

TOWNSHIP USE ONLY
APPEAL# 2987
FEE: SSO
DATE RECEIVED: 5/16/17

GENERAL INFORMATION: Applicants are strongly encouraged to review the "Requirements and Information for Appeals to the Zoning Hearing Board" that are attached to the application. Ten (10) copies of this application and required attachments along with an electronic submittal in pdf format (CD or thumb drive) must be filed with the Community Development Department not less than thirty (30) calendar days prior to the hearing. *Incomplete applications will not be accepted for processing*.

REQUIRED FEE DUE AT FILING: Please refer to the Consolidated Fee Schedule, as amended on our website at www.radnor.com for a copy of our current fees.

TYPE OR PRINT
Property Address: 307 and 309 Conestoga Road, Wayne, PA 19087, in an R-3 Zoning District
Name and address of Applicant: Gary E. McClain, P. O. Box 414, Wayne, PA 19087
Telephone Number: 609-381-6500 Email: theplantplace@hotmail.com
Property Owner (if different than above): Estate of Robert J. Risk, Jr., care of Robert J. Risk, III
Owner address: 210 Lansdowne Avenue, Wayne, PA 19087
Telephone number: 610-687-9991 Email:

.3 667952 Attorney's name: Edward N. Flail, Jr.

Address: 10 Harrow Circle, Wayne, PA 19087

Telephone number: 610-964-1600 Email: enflailjr@gmail.com

Relief requested and/or basis for appearing before the Zoning Hearing Board including specific citation to any and all sections of the Zoning Code relevant to the appeal. (attach additional pages if necessary)

Relief is sought by variance, special exception or otherwise under Section 280-101 (B) and (C), or a finding that the proposed improvements are permitted by right, to allow:

1. As to 307: The construction of a new single family house on a 50' wide lot, where Section 280-25 (A) requires 70' at the building line. The intrusion into the side yard setback requirements of 15' minimum and 35' aggregate of Section 280-25 (D), to the dimensions as shown on the attached plan, to permit the construction of a single family house and garage on a lawfully existing lot which is dimensionally nonconforming due to its narrowness.

- 2. As to 309: The continued intrustion of the existing house, which is to be renovated, of 4.8' into the 35' front yard setback required by Section 280-C and sideyards as in 1.
- 3. As to both: The construction of a common driveway between these two lots due to their narrowness, to alleviate the existing off street parking within the front yard setback and not separated by at least 5 feet by a barrier of the sizes or type required under Section 280-105 (A), or to permit the continued existence of the existing condition on 309. See Additional fage attrelled.

Description of previous decisions by the Zoning Hearing Board pertinent to the property, or attach copies of decisions: (attach additional pages if necessary)

There are none known to appicant.

AMENDED RELIEF REQUESTED SECTIOIN ON PAGE 2 OF THE APPLICATION OF GARY E. MCCLAIN FOR THE PREMISES AT 307 AND 309 CONESTOGA ROAD, WAYNE, PENNSYLVÁNIA

RELIEF IS SOUGHT BY VARIANCE, SPECIAL EXCEPTION OR OTHERWISE UNDER SECTION 280-101 (B) AND (C), TO PERMIT THE FOLLOWING RELIEF FOR THESE TWO LOTS WHICH ARE NONCONFORMING BECAUSE THEY ARE NARROWER AT THE BUILDING LINE THAN PERMITTED UNDER SECTION 280-25, OR A FINDING THAT THE RELIEF IS PERMITTED BY RIGHT, MORE SPECIFICALLY DETAILED AS FOLLOWS, TO ALLOW:

- 1. AS TO 307: A. UNDER SECTION 280-25 (A) FOR THE CONSTRUCTION OF A NEW SINGLE FAMILY HOUSE ON THE LOT, WHICH IS 50 FEET WIDE AT THE BUILDING LINE WHERE A WIDTH OF 70 FEET AT THE BUILDING LINE IS REQUIRED.
 - B. UNDER SECTION 280-25 (D) (1), WHICH REQUIRES TWO SIDE YARDS WHICH SHALL BE NOT LESS THAN 35 FEET IN AGGREGATE WIDTH AND NEITHER OF WHICH SHALL BE LESS THAN 15 FEET IN WIDTH, FOR THE INTRUSION OF THE PROPOSED NEW SINGLE FAMILY HOUSE INTO THE SIDE YARD SETBACKS AS SHOWN ON THE ATTACHED PLAN.
- 2. AS TO 307 AND 309: THE CONSTRUCTION AND USE OF A SHARED DRIVEWAY BETWEEN THE TWO LOTS AS SHOWN ON THE ATTACHED PLAN, WHICH IS NECESSITATED BY THE NARROWNESS OF THE TWO LOTS, WHICH WILL ELIMINATE THE USE OF OFF STREET PARKING ON 307 AND ELIMINATE THE EXISTING OFF STREET PARKING WITHIN THE FRONT YARD SET BACK ON 309, WHICH IS NONCONFORMING UNDER SECTION 280-105 (A) BECAUSE IT IS NOT SEPARATED FROM CONESTOGA ROAD BY AT LEAST 5 FEET BY A BARRIER OF THE SIZES OR TYPES REQUIRED.
- 3. AS TO 309: A. UNDER SECTION 280-25(A) FOR THE CONTINUED NONCONFORMITY OF THE EXISTING SINGLE FAMILY HOUSE ON THE LOT, WHICH IS 50 FEET WIDE AT THE BUILDING LINE WHERE A WIDTH OF 70 FEET AT THE BUILDING LINE IS REQUIRED.
 - B. UNDER SECTION 280-25 (C) FOR THE CONTINUED INTRUSION OF THE EXISTING HOUSE INTO THE FRONT YARD SETBACK BY 4.8 FEET, BECAUSE IT IS ONLY 30.2 FEET FROM CONESTOGA ROAD WHERE 35 FEET IS REQUIRED.
 - C. UNDER SECTION 280-25 (D), WHICH REQUIRES TWO SIDE YARDS WHICH SHALL BE NOT LESS THAN 35 FEET IN AGGREGATE WIDTH AND NEITHER OF WHICH SHALL BE LESS THAN 15 FEET IN WIDTH, FOR THE CONTINUED INTRUSION OF THE EXISTING SINGLE FAMILY HOUSE INTO THE SIDE YARD SETBACKS AS SHOWN ON THE ATTACHED PLAN.
 - D. IF PERMISSION TO CONSTRUCT THE COMMON DRIVEWAY REQUESTED IN PARAGRAPH 2 HEREOF IS NOT GRANTED, TO PERMIT THE CONTINUED NONCONFORMITY OF THE OFF STREET PARKING AS IT EXISTS ON 309.

Brief narrative of improvements: (attach additional pages if necessary)

307 Conestoga Road is a vacant lot with an approximately 20 driveway used for off street parking. 309 Conestoga Road is contains a two story single family house, which was built in 1930.

ATTACHMENTS: Ten (10) copies of each and one (1) electronic copy in pdf format (CD or thumb drive) of the following <u>must</u> be provided:

- 1. Engineered plan or survey of the property drawn to scale, prepared by a registered architect, engineer or surveyor licensed in Pennsylvania, containing the following information:
 - a) lot lines and lot dimensions described in metes and bounds (in feet);
 - b) total lot area:
 - c) location of easements and rights of way, including ultimate rights of way;
 - d) location of all setback lines for existing and proposed structures:
 - e) location of steep slopes, floodplains, riparian buffers, wetlands, and other pertinent features;
 - f) location of existing and proposed improvements;
 - g) table of zoning data including zoning district, required setbacks, existing and proposed building coverage, impervious coverage, height, and other pertinent zoning restrictions, and any degree of compliance or noncompliance; and
 - h) all other features or matters pertinent to the application.

<u>PLANS SHALL NOT EXCEED 24" X 36", AND MUST BE NEATLY FOLDED TO NO GREATER DIMENSION THAN 8 ½" X 11" AT FILING</u>

- 2. List of witnesses and summary of their testimony attached.
- 3. Photographs of the property at issue and all adjoining properties.
- 4. Copies of any written professional reports, including traffic studies, land planning studies.

appraisals, floodplain analyses, economic forecasts or other written reports, which the applicant wishes to present at the hearing (note: the author of the study or a qualified representative of the entity who prepared the study must appear at the meeting and be available for cross-examination).

5. Copy of deed, lease, agreement of sale, or other authorization to file the appeal. (note: leases or agreements of sale either must expressly permit the tenant or buyer to file an appeal, or must be accompanied by a by a letter from the owner clearly authorizing tenant or buyer to file the appeal).

ADDITIONAL REQUIREMENTS

- 1. Will this application involve the subdivision of land? Applications that involve the subdivision of land are referred to the Planning Commission for review and recommendation. Applicants will be notified of the date and time of the Planning Commission meeting
- 2. Will briefs or memoranda of law be filed in accordance with requirements of the Zoning Hearing Board? (note 10 copies of any brief or memorandum of law to be submitted by the applicant must be received by the Community Development Department no later than 14 days before the hearing).
- 3. Will the applicant (or duly authorized officer of the applicant, if applicant is not a natural person) be present at the hearing. If not, then power of attorney, notarized and in recordable form, authorizing the person who will testify on behalf of the applicant, and to bind the applicant in any proceedings of the Board must be presented at or before commencement of the hearing. Attorneys, agents, or other representatives of the applicant may not appear and testify on behalf of the applicant without power of attorney. Forms of power of attorney are available in the Community Development Department. (note: failure to provide power of attorney will result either in the appeal being continued, or being dismissed, at the discretion of the Board)

SIGNATURE OF APPLICANT

AN ADDITIONAL FEE OF \$200 SHALL BE CHARGED FOR ANY CONTINUANCE REQUESTED BY THE APPLICANT. THIS FEE SHALL BE PAID PRIOR TO THE RESCHEDULING OF THE HEARING.

ZONING HEARING BOARD APPLICATION

TOWNSHIP OF RADNOR 301 IVEN AVENUE WAYNE, PA 19087 610-688-5600 FAX: 610-971-0450

> www.radnor.com www.radnor.com

	ship use only #_2988
FEE:	
DATE RECEIVE	D: 5/16/17

GENERAL INFORMATION: Applicants are strongly encouraged to review the "Requirements and Information for Appeals to the Zoning Hearing Board" that are attached to the application. Ten (10) copies of this application and required attachments along with an electronic submittal in pdf format (CD or thumb drive) must be filed with the Community Development Department not less than thirty (30) calendar days prior to the hearing. *Incomplete applications will not be accepted for processing*.

REQUIRED FEE DUE AT FILING: Please refer to the Consolidated Fee Schedule, as amended on our website at www.radnor.com for a copy of our current fees.

******		****** R PRINT	*************
Property Addres	s: See attached Exhibit	"A"	
Name and addre	ess of Applicant: See attached	Exhib	it "A"
Telephone Num	ber:	Email:	See attached Exhibit "A"
_	(if different than above): See atta	ached	Exhibit "A"
	See attached Exhibit '		
	er:		See attached Exhibit "A"
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.*3* 667952

Attorney's name: N/A		
Address: N/A		
Telephone number: N/A Email: N/A		
Relief requested and/or basis for appearing before the Zoning Hearing Board in citation to any and all sections of the Zoning Code relevant to the appeal. (attach a necessary)		
This application is seeking a two foot variance from Section 280-109 (I walls) of the Zoning Code for the purpose of installing an eight foot fen the backyards of the applicants' properties listed in Exhibit "A" to buffer properties from the CICD Villanova University Land Development Plan	ce to enclose er sald	
This application also seeks a variance from Section 280-144 (Expiration of special exceptions and variances) of the Zoning Code to allow Applicants to obtain a building or use permit within 12 months from the date of the authorization of a variance or to commence a substantial amount of work within 12 months from the date of the issuance of the permit for such work.		
Description of previous decisions by the Zoning Hearing Board pertinent to the copies of decisions: (attach additional pages if necessary) None that the Applicants are aware of.	property, or attach	

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Brief narrative of improvements: (attach additional pages if necessary)
See attached Exhibit "A".

ATTACHMENTS: Ten (10) copies of each and one (1) electronic copy in pdf format (CD or thumb drive) of the following <u>must</u> be provided:

- 1. Engineered plan or survey of the property drawn to scale, prepared by a registered architect, engineer or surveyor licensed in Pennsylvania, containing the following information:
 - a) lot lines and lot dimensions described in metes and bounds (in feet);
 - b) total lot area;
 - c) location of easements and rights of way, including ultimate rights of way;
 - d) location of all setback lines for existing and proposed structures;
 - e) location of steep slopes, floodplains, riparian buffers, wetlands, and other pertinent features;
 - f) location of existing and proposed improvements;
 - g) table of zoning data including zoning district, required setbacks, existing and proposed building coverage, impervious coverage, height, and other pertinent zoning restrictions, and any degree of compliance or noncompliance; and
 - h) all other features or matters pertinent to the application.

PLANS SHALL NOT EXCEED 24" X 36", AND MUST BE NEATLY FOLDED TO NO GREATER DIMENSION THAN 8 ½" X 11" AT FILING

- 2. List of witnesses and summary of their testimony attached.
- 3. Photographs of the property at issue and all adjoining properties.
- 4. Copies of any written professional reports, including traffic studies, land planning studies,

667952

appraisals, floodplain analyses, economic forecasts or other written reports, which the applicant wishes to present at the hearing (note: the author of the study or a qualified representative of the entity who prepared the study must appear at the meeting and be available for cross-examination).

5. Copy of deed, lease, agreement of sale, or other authorization to file the appeal. (note: leases or agreements of sale either must expressly permit the tenant or buyer to file an appeal, or must be accompanied by a by a letter from the owner clearly authorizing tenant or buyer to file the appeal).

ADDITIONAL REQUIREMENTS

- 1. Will this application involve the subdivision of land? Applications that involve the subdivision of land are referred to the Planning Commission for review and recommendation. Applicants will be notified of the date and time of the Planning Commission meeting
- 2. Will briefs or memoranda of law be filed in accordance with requirements of the Zoning Hearing Board? (note 10 copies of any brief or memorandum of law to be submitted by the applicant must be received by the Community Development Department no later than 14 days before the hearing).
- 3. Will the applicant (or duly authorized officer of the applicant, if applicant is not a natural person) be present at the hearing. If not, then power of attorney, notarized and in recordable form, authorizing the person who will testify on behalf of the applicant, and to bind the applicant in any proceedings of the Board must be presented at or before commencement of the hearing. Attorneys, agents, or other representatives of the applicant may not appear and testify on behalf of the applicant without power of attorney. Forms of power of attorney are available in the Community Development Department. (note: failure to provide power of attorney will result either in the appeal being continued, or being dismissed, at the discretion of the Board)

See attached Exhibit "A"
SIGNATURE OF APPLICANT

AN ADDITIONAL FEE OF \$200 SHALL BE CHARGED FOR ANY CONTINUANCE REQUESTED BY THE APPLICANT. THIS FEE SHALL BE PAID PRIOR TO THE RESCHEDULING OF THE HEARING.

EXHIBIT "A" ADDENDUM TO ZHB APPLICATION

ADDENDUM TO ZHB APPLICATION

A. PROPERTY ADDRESSES:

- (1) 17 Aldwyn Lane, Villanova, PA 19085
- (2) 19 Aldwyn Lane, Villanova, PA 19085
- (3) 21 Aldwyn Lane, Villanova, PA 19085
- (4) 27 Aldwyn Lane, Villanova, PA 19085
- (5) 31 Aldwyn Lane, Villanova, PA 19085
- (6) 35 Aldwyn Lane, Villanova, PA 19085

B. PROPERTY OWNERS/APPLICANTS:

Pamela R. Faralli 17 Aldwyn Lane Villanova, PA 19085 pfaralli@verizon.net

Ashley Eldredge Wilhite 21 Aldwyn Lane Villanova, PA 19085 ashtonewilhite@gmail.com

Michael W. Coffey 27 Aldwyn Lane Villanova, PA 19085 kimcoffey@verizon.net

Patricia M. Long 35 Aldwyn Lane Villanova, PA 19085 tishlong@aol.com Denise Obrien Dayton 19 Aldwyn Lane Villanova, PA 19085 ddayton@yerizon.net

Bret Wilhite 21 Aldwyn Lane Villanova, PA 19085 Bret.wilhite@gmail.com

William P. Wendel 31 Aldwyn Lane Villanova, PA 19085 bwendel@kroff.com

Walter T. Long 35 Aldwyn Lane Villanova, PA19085 wlongcorr@aol.com Nelson Dayton 19 Aldwyn Lane Villanova, PA 19085 ntdayton@verizon.net

Kimberly Haze Coffey 27 Aldwyn Lane Villanova, PA 19085 Coffey.kim@synthes.com

Anne P. Wendel 31 Aldwyn Lane Villanova, PA 19085 wendelagp@gmail.com

C. BRIEF NARRATIVE OF IMPROVEMENTS:

The improvements would include the installation of an eight foot fence that would run along the back yard of the six above-referenced properties.

D. ADDITIONAL APPLICATION QUESTIONS:

1. Engineering Plan or Survey.

Applicants are providing aerial photographs of the properties in-lieu-of a site plan as requested on this Application. For aerial photos, see attached Exhibit "B".

2. List of witnesses and summary of their testimony attached.

Various property owners/applicants will serve as witnesses and will provide testimony regarding the close proximity of the Villanova CICD project to the property owners/applicants' properties and the adverse effect it has on the property owners/applicants' quiet use and enjoyment of their properties.

3. Photographs of the property at issue and all adjoining properties.

See aerial photos attached in Exhibit "B".

4. Copies of any written professional reports, including traffic studies, land planning studies, appraisals, floodplain analyses, economic forecasts or other written reports, which the applicants wish to present at the hearing.

N/A.

5. Copy of deed, lease, agreement of sale, or other authorization to file the appeal.

None.

E. ADDITIONAL REQUIREMENTS:

1. Will this application involve the subdivision of land? Applications that involve the subdivision of land are referred to the Planning Commission for review and recommendation.

No.

	2.	Zoning Hearing Board?	in accordance with requirem	ents of the
		No.		
	3.	Will the applicants (or duly authorized offic a natural person) be present at the hear notarized and in recordable form, authorized of the applicants, and to bind the applicant be presented at or before commencement of representatives of the applicants may not applicants without power of attorney. For the Community Development Department.	ring? If not, then power or ing the person who will testiff is in any proceedings of the E the hearing. Attorneys, agen t appear and testify on bel	f attorney, y on behalf loard must ts, or other nalf of the
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	<u>F.</u>	SIGNATURE OF APPLICANTS:		
	1.	Pamela R. Faralli 17 Aldwyn Lane Villanova, PA, 19085		
	JOU	mela Maralli _	5/16/17 Date	
	2.	Denise Obrien Dayton 19 Aldwyn Lane Villanova, PA 19085	7	
	Signa	ature of Applicant	Date	
	3.	Nelson Dayton 19 Aldwyn Lane Villanova, PA 19085		
	Signa	ature of Applicant	Date	
	4.	Ashley Eldredge Wilhite 21 Aldwyn Lane Villanova, PA 19085		
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3.	a natural person) be present at the notarized and in recordable form, au of the applicants, and to bind the applicants or before commencement representatives of the applicants m	d officer of the applicants, if applicants are not hearing? If not, then power of attorned thorizing the person who will testify on behaplicants in any proceedings of the Board mutent of the hearing. Attorneys, agents, or other ay not appear and testify on behalf of the forms of power of attorney are available in ment.
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<u>F.</u>	SIGNATURE OF APPLICANTS:	
1.	Pamela R. Faralli 17 Aldwyn Lane Villanova, PA 19085	
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3. Sign	Nelson Dayton 19 Aldwyn Lane Villanova, PA 19085 nature of Applicant	5 / 16 / 17 Date
4.	Ashley Eldredge Wilhite 21 Aldwyn Lane Villanova, PA 19085	

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	1.	Pamela R. Faralli 17 Aldwyn Lane Villanova, PA 19085		
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	3.	Nelson Dayton 19 Aldwyn Lane Villanova, PA 19085		
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	4.	Ashley Eldredge Wilhite 21 Aldwyn Lane Villanova, PA 19085	5.16	
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5.	Bret Wilhite			
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7.	Michael W. Coffey	
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8.	William P. Wendel	
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	21 Aldwyn Lane Villanova, PA 19085		
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6.	Kimberly Haze Coffey		
	27 Aldwyn Lane		
	Villanova, PA 19085		
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7.	Michael W. Coffey		
	27 Aldwyn Lane		
	Villanova, PA 19085		-
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8.	William P. Wendel		-
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9.	Anne P. Wendel		
	31 Aldwyn Lane		
	Villanova, PA 19085		
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Signa	ature of Applicant	Date	
10.	Patricia M. Long		
	35 Aldwyn Lane		
	Villanova, PA 19085		-
Signa	ture of Applicant	Date	

5.

Bret Wilhite

5.	Bret Wilhite	
	21 Aldwyn Lane	•
	Villanova, PA 19085	
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	Villanova, PA 19085	
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7.	Michael W. Coffey	
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8.	William P. Wendel	
	31 Aldwyn Lane	
	Villanova, PA 19085	
Signature of Applicant		Date
9.	Anne P. Wendel	
	31 Aldwyn Lane	
	Villanova, PA 19085	
Signature of Applicant		Date
10.	Patricia M. Long	
	35 Aldwyn Lane	
	Villanova, PA 19085	
Fa	atricial. Long	5/16/2017
Sign	ature of Applicant	Date

11. Walter T. Long
35 Aldwyn Lane
Villanova, PA 19085

Signature of Applicant

Date