

ZB# 89-26

Joseph Vanacore

4-1-24 & 25

#89-26 - Vanagore, Joseph, etc. - Height - Relay Tower
via Capital

Petition

June 12, 1989.

Apps. furnished
to Robt. Butts,
Eng.
5/11/89.

Public Hearing:
Oct. 23, 1989

Notice sent to
Sentinel on
9/13/89. ~~by~~

Fee: Paid

Application
for height variance
approved - 10/23/89
(relay tower).

~~12~~
10/10

~~20~~
11/05

General Receipt

10966

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N.Y. 12550

Oct. 24 19 89

Received of Guernsey, Butts & Walsh \$ 50⁰⁰/₁₀₀

Fifty and 00/100 DOLLARS

For Z.B.A. # 89-26

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>Check 50.00</u>		
<u># 14089</u>		

By Pauline J. Townsend
Town Clerk
Title

Williamson Law Book Co., Rochester, N. Y. 14609

County File No. NWT 33-89 M

COUNTY PLANNING REFERRAL

(Mandatory County Planning Review under Article 12-B,
Section 239, Paragraphs 1, m & n, of the
General Municipal Law)

Application of Advance Broadcasting Corp.
for a Area Variance (Height) Little Britain Rd
County Action: returned for Local Determination

LOCAL MUNICIPAL ACTION

The Above-cited application was:

Denied Approved

Approved subject to County recommendations

(Date of Local Action)

(Signature of Local Official)

This card must be returned to the Orange County Department of Planning
within 7 days of local action.

NEW WINDSOR ZONING BOARD OF APPEALS

-----x

In the Matter of the Application of
CVC CAPITAL CORP./ADVANCE BROADCASTING CORP.

DECISION GRANTING
AREA VARIANCE

#89-26.

-----x

WHEREAS, CVC CAPITAL CORP., a corporation having an office at P. O. Box 529, Wappingers Falls, N. Y. by its agent, has made application before the Zoning Board of Appeals for a 35 ft. height variance for purposes of construction of a radio relay tower at 429 Little Britain Road in a PI zone; and

WHEREAS, a public hearing was held on the 23rd day of October, 1989 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Robert R. Butts, Esq. of Guernsey, Butts & Walsh, 70 Washington Street, P. O. Box G., Poughkeepsie, N. Y. 12602, appeared in behalf of applicant; and

WHEREAS, the application was opposed by several adjacent property owners who complained, among other things, that tower would obstruct their view, would be inappropriate in the neighborhood, would be unsightly, and might not be adequately secured from trespassers; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the bulk regulations for a PI zone with regard to height in order to construct an 80 ft. high radio relay tower.

3. The evidence further shows that the topography and elevation of the site necessitate the use of a relay tower to send radio signals to a broadcast antenna at a remote location.

4. The applicant presented evidence that depicted the tower at a location containing mature trees nearby, indicating that the tower's height would not be visually prominent and because of this natural screening, there would not be a significant impact on the neighborhood.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The evidence presented by applicant indicated that the relief sought with regard to the building height was due to the topography and elevation of the parcel and such evidence further showed that the height of the proposed radio relay tower will not be higher than the existing trees and, therefore, natural screening will continue to exist.

2. The evidence further indicated that a variance for more than the allowable maximum height would be required in order to allow the proposed construction and that rejection of the same would cause practical difficulty since the relief sought by applicant is not substantial in relation to the required bulk regulations, given the topography, natural screening and the expense of designing other methods of relaying the radio signal.

3. The evidence indicated that the variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood since the existing natural screening will remain around the tower.

4. The requested variance would produce no effect on the population density or governmental facilities.

5. That there is no other feasible method available to applicant which can produce the necessary results other than the variance procedure.

6. The evidence indicated that the interest of justice would be served by allowing the variance to be granted.

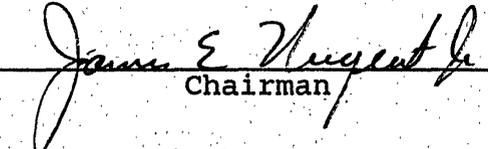
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a height variance of 35 ft. sought by Applicant in accordance with plans submitted at the hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: November 13, 1989.


Chairman

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 26

Request of Advance Broadcasting Corp.

for a VARIANCE ~~SPECIAL PERMIT~~ of

the regulations of the Zoning Local Law to

permit erection of 80' relay tower with more than the allowable building height;

being a VARIANCE ~~SPECIAL PERMIT~~ of

Section 48-15, subdivision A(1)-Table of Use/Blk. Regs. /Column I

for property situated as follows:

429-431 Little Britain Road (4-1-24 and 4-1-25)

New Windsor, N. Y. 12550

SAID HEARING will take place on the 23rd day of October, 1989, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 7:30 o'clock P. M.

JAMES NUGENT
Chairman

GUERNSEY, BUTTS & WALSH

ATTORNEYS & COUNSELLORS AT LAW

75 WASHINGTON STREET
P. O. BOX G
POUGHKEEPSIE, N.Y. 12602

(914) 452-8200
FAX 914-452-0150

PLEASE REPLY TO () POUGHKEEPSIE
() RED HOOK
() BOCA RATON

RED HOOK OFFICE
35 WEST MARKET ST.
P. O. BOX 7
RED HOOK, N.Y. 12571
(914) 758-8893
(914) 876-4292
FAX (914) 758-2003

FLORIDA OFFICE
200 PALMETTO PARK RD. WEST
SUITE 303
BOCA RATON, FL. 33432
(407) 368-3400
DAVID B. VAN KLEECK (OF COUNSEL)
ADMITTED TO FL. BAR ONLY

RAYMOND G. GUERNSEY (1878-1959)
CHARLES ALLISON BUTTS* (OF COUNSEL)
WILLIAM J. WALSH
ROBERT L. OSTERTAG
DOUGLAS F. WICKS
R. KEITH SALISBURY
ROLAND E. BUTTS
ROBERT R. BUTTS
DIANE M. O'LEARY
JEFFREY S. BATTISTONI
DENISE M. FITZPATRICK*

LEGAL ASSISTANTS
NANCY A. LOCKE
MARCIA KRAUZA-MARTIN
SUSAN M. SULLIVAN
DEBORAH B. TOMANOCY

October 27, 1989

*ADMITTED TO PRACTICE
IN N.Y. & FL.

*Patricia A. Bernhart, Secretary
New Windsor Zoning Board of Appeals
555 Union Avenue - Town Hall
New Windsor, NY 12550*

RE: ADVANCE BROADCASTING CORP. VARIANCE APPLICATION

Dear Ms. Bernhart:

At such time as the Zoning Board under its usual procedures prepares a written record of its decision to approve the variance in favor of Advance Broadcasting Corp., as granted on October 23, 1989, I would appreciate your sending me a copy. A stamped, self-addressed return envelope is enclosed for your convenience.

Thanks very much for all your assistance in this matter.

Sincerely yours,

GUERNSEY, BUTTS & WALSH


Robert R. Butts

RRB/jlc

Enclosure

cc: Mr. Kelly Guglielmi
Mr. Joerg Klebe

abc93005.cor(5)

10/23/89 Public Hearing - Advance Broadcasting - #89-26.

Name:
Frank Scheide
Herbert E LANGANKE
Herbert Langanke Sr.

Address:
439 Little Brittain Road NW
25 Steeple N.W.
435 Little Brittain Rd; New Windsor

Objections
voiced

by all in attendance.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

89-26

Date: 9/5/89

I. Applicant Information:

- (a) CVC Capital Corp., PO Box 529, Wappingers Falls, NY 12590
(Name, address and phone of Applicant) (Owner)
- (b) Advance Broadcasting Corp., Box 3591, Newburgh, NY 561-2131
(Name, address and phone of ~~purchaser~~ lessee)
- (c) Guernsey, Butts & Walsh, PO Box G, Poughkeepsie, NY 12602 452-8200
(Name, address and phone of attorney)
- (d) None
(Name, address and phone of broker)

II. Application type:

- Use Variance Sign Variance
- Area Variance Interpretation

III. Property Information:

- (a) PI 429 & 431 Little Britain Road 4-1-24 & 25 387.5 x irr.
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.?
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 8-11-89
- (e) Has property been subdivided previously? When?
- (f) Has property been subject of variance or special permit previously? When?
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: trailer previously located on site has been removed.

IV. Use Variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-15, Table of Use/Bulk Regs., Col. I.
Subd. A(1)

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.	/	/
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.	80'	45'
Min. Floor Area*		35'
Dev. Coverage*	%	%
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

Topography and elevation of site necessitate use of relay tower to send radio signal to broadcast antenna at remote location. By employing a further relay at site of FM antenna, necessary height was reduced from 130' to 80'.

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	_____ sq. ft.	_____ sq. ft.	_____ sq. ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation:

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

- (b) Describe in detail the proposal before the Board:

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Tower will be located near existing mature trees at rear of parcel.
As the tower's height is equivalent to nearby trees, the tower will not be visually prominent. Tower will not be illuminated.

IX. Attachments required:

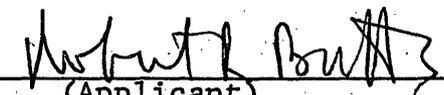
- Copy of letter of referral from Bldg./Zoning Inspector.
- Copy of tax map showing adjacent properties.
- Copy of contract of sale, lease or franchise agreement.
- Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- Copy(ies) of sign(s) with dimensions.
- Check in the amount of \$50.00 payable to TOWN OF NEW WINDSOR.
- Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

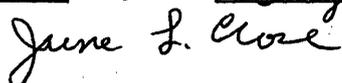
Date August 28, 1989

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned, Assistant Secretary of Advance Broadcasting Corp, the Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.


ROBERT R. BUTTS (Applicant)
Assistant Secretary of Advance Broadcasting Corp.

Sworn to before me this 28th day of August, 1989.



JUNE L. CLOSE
Notary Public, State of New York
Dutchess County No. 4847529
Commission Expires March 30, 1991

XI. ZBA Action:

- (a) Public Hearing date _____.
- (b) Variance is _____.
Special Permit is _____.
- (c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS.

RIDER, WEINER & MELCHIORI, P.C.
ATTORNEYS & COUNSELLORS AT LAW

Rec'd 10/4/89.
ZBA - (PAS)

M. J. RIDER (1906-1968)

ELLIOTT M. WEINER
DAVID L. RIDER
MARIA F. MELCHIORI
CHARLES E. FRANKEL
MOACYR R. CALHELHA
DONNA M. BADURA
MARK C. TAYLOR
RODERICK E. DE RAMON
AMELIA T. DAMIANI*

*ADM. IN NJ & PA ONLY

427 LITTLE BRITAIN ROAD
POST OFFICE BOX 2280
NEWBURGH, NEW YORK 12550
TEL. (914) 562-9100

FAX 914-562-9126

CRAIG F. SIMON

SANDRA L. CARR
OF COUNSEL

KATHERINE M. LANGANKE

ELIZABETH O. JOHNSON
LEGAL ASSISTANTS

October 3, 1989

Zoning Board of Appeals
Town of New Windsor,
New Windsor Town Hall,
555 Union Avenue,
New Windsor, N. Y. 12550

Re: Advance Broadcasting Corp.

Gentlemen:

We have received notice of Advance Broadcasting Corp. for a variance to permit the erection of an 80' relay tower.

Their office is right next door to ours and we have no objections to the granting of a variance.

EMW:eml

Very truly yours,

ELLIOTT M. WEINER



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

15

June 26, 1989

Guernsey, Butts & Walsh
70 Washington Street
P.O. Box G
Poughkeepsie, N.Y. 12602

Attn: Mr. Robert R. Butts

Re: Tax Map 4-1-24 & 4-1-25 Variance List 500 Ft.

Dear Mr. Butts:

According to our records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit same to the Town Clerk, Town of New Windsor, N.Y.

Very truly yours,

LESLIE COOK
Sole Assessor

LC/kaf
Attachments
cc: P. Barnhardt

City of Newburgh
Water Supply
c/o City Comptroller
City Hall
Newburgh, N.Y. 12550

Millicent R. & Alfred H. Miller
416 Little Britain Rd.
New Windsor, N.Y. 12550

Macbeth Corporation
P.O. Box 950
Newburgh, N.Y. 12550

Peter M. & Sharon L. Owejan
419 Little Britain Rd.
New Windsor, N.Y. 12550

Gregory Gaetano
421 Little Britain Rd.
New Windsor, N.Y. 12550

David L. Rider &
Elliot M. Weiner &
James R. Loeb &
Richard J. Drake
427 Little Britain Rd.
New Windsor, N.Y. 12550

Herbert & Frieda Langanke
435 Little Britain Rd.
New Windsor, N.Y. 12550

Herbert E. & Katherine M. Langanke
27 Steele Rd.
New Windsor, N.Y. 12550

Newburgh Superior Packing Co. Inc.
439 Little Britain Rd.
New Windsor, N.Y. 12550

Otto Scheible
439 Little Britain Rd.
New Windsor, N.Y. 12550

Elaine Pietrazk
Steele Rd.
New Windsor, N.Y. 12550

Thomas & Tina Gess
445 Little Britain Rd.
New Windsor, N.Y. 12550

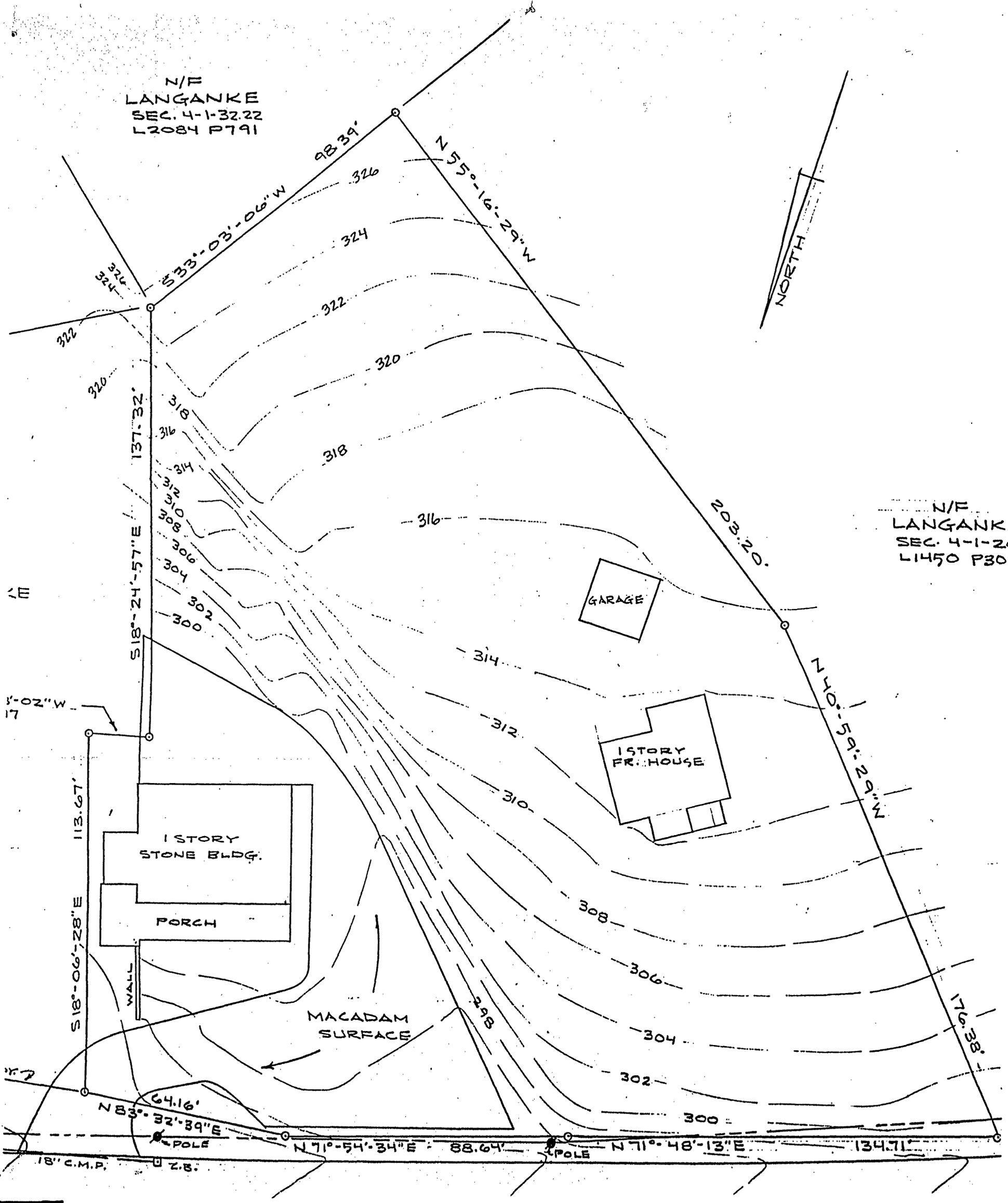
Harry E. Clark
c/o Irene S. Clark
441 Little Britain Rd.
New Windsor, N.Y. 12550

Jacqueline & Frank Cromwell
443 Little Britain Rd.
New Windsor, N.Y. 12550

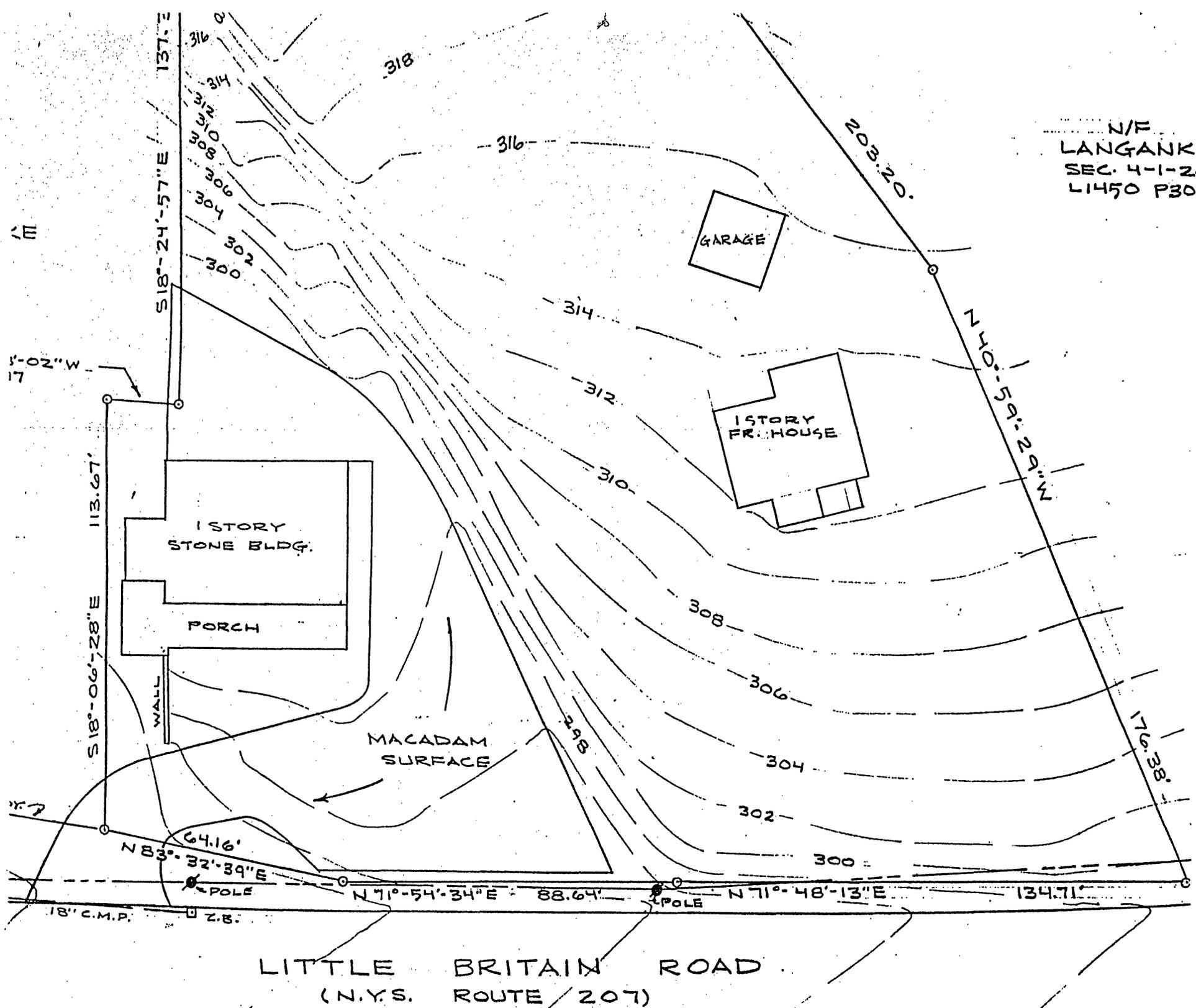
Marcia L. & Stanley A. Kissel
447 Little Britain Rd.
New Windsor, N.Y. 12550

N/F
LANGANKE
SEC. 4-1-3222
L2084 P791

N/F
LANGANK
SEC. 4-1-2
L1450 P30



N/F
LANGANK
SEC. 4-1-2
L1450 P30



LITTLE BRITAIN ROAD
(N.Y.S. ROUTE 207)

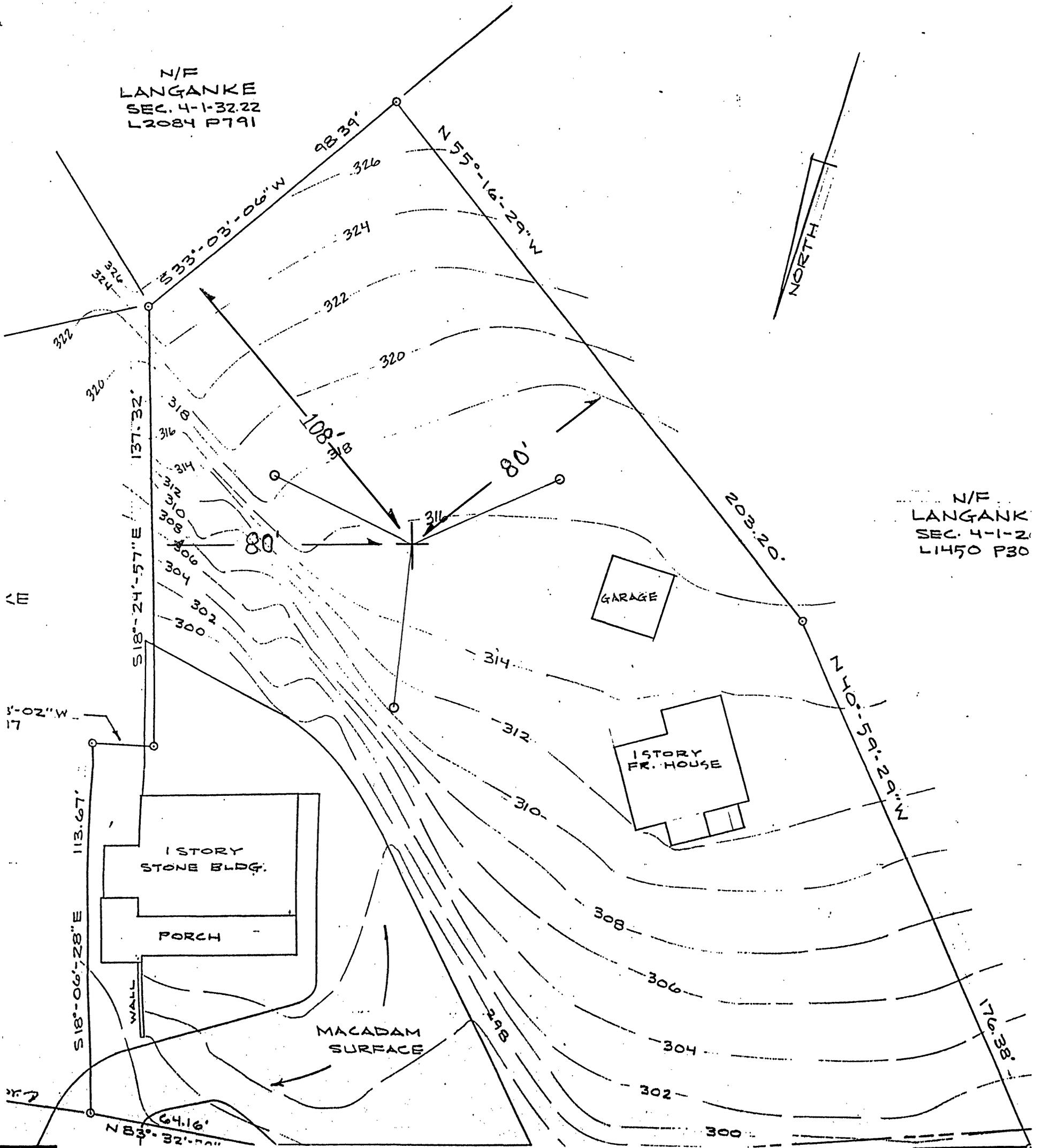
FIGURE 1
PROPERTY PLAT SKETCH
ADVANCE BROADCASTING CORPORATION
WGNY AM & FM
Showing property boundaries and building locations on the subject property
Communications Technologies, Inc.
Marlton, New Jersey 08053
June 1989

ADDITION TO A MAP
FOR'S SEAL IS A
OF THE NEW YORK

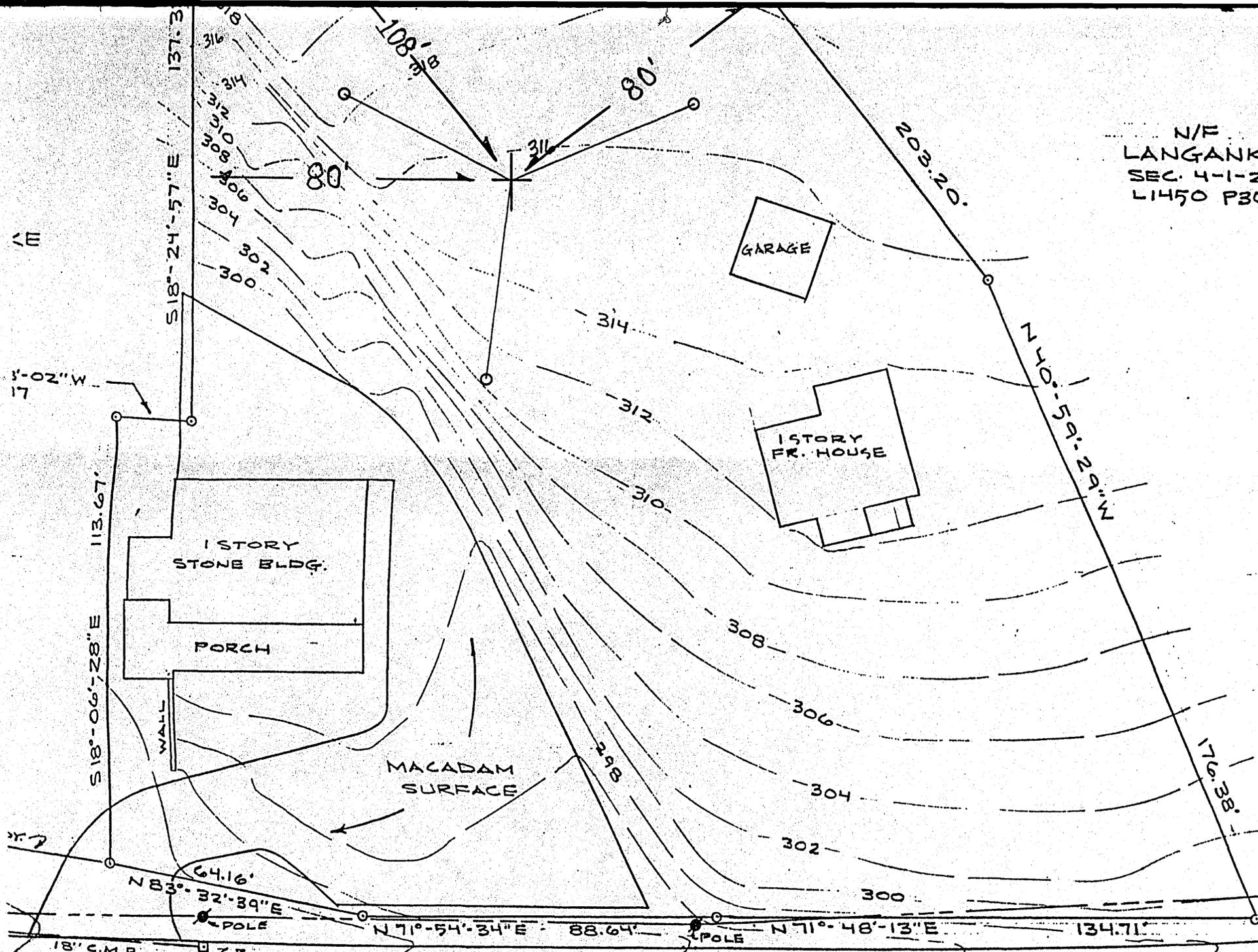
1" = 30'

N/F
LANGANKE
SEC. 4-1-32.22
L2084 P791

N/F
LANGANK
SEC. 4-1-2
L1450 P30



N/F
LANGANK
SEC. 4-1-2
L1450 P30



LITTLE BRITAIN ROAD
(N.Y.S. ROUTE 207)

FIGURE 2

PRELIMINARY SITE PLAN

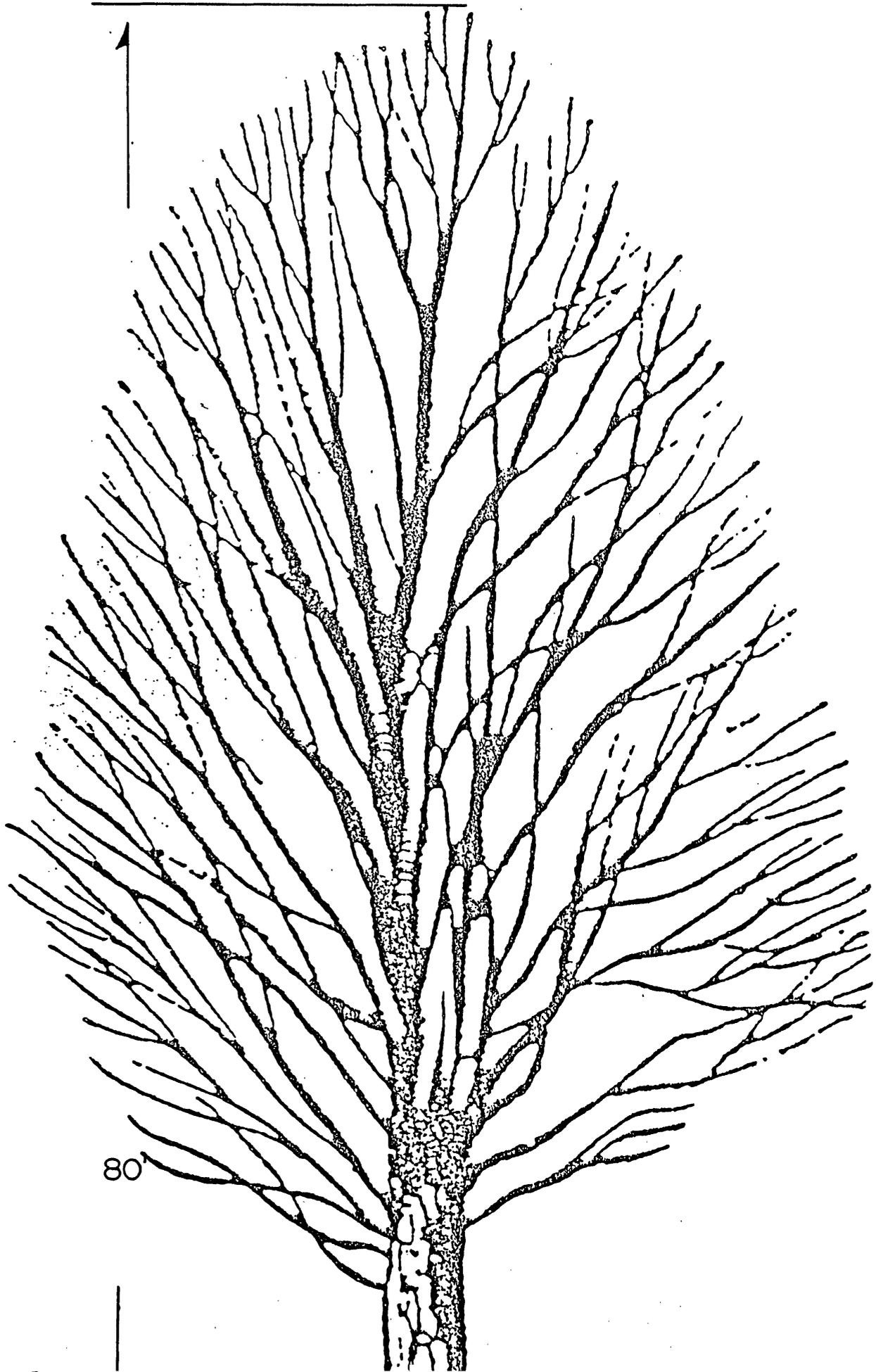
ADVANCE BROADCASTING CORPORATION
WGNY AM & FM

- Showing:
1. Location of proposed 80 foot tower on property
 2. Three tower guy anchor points 50 feet from the tower base.

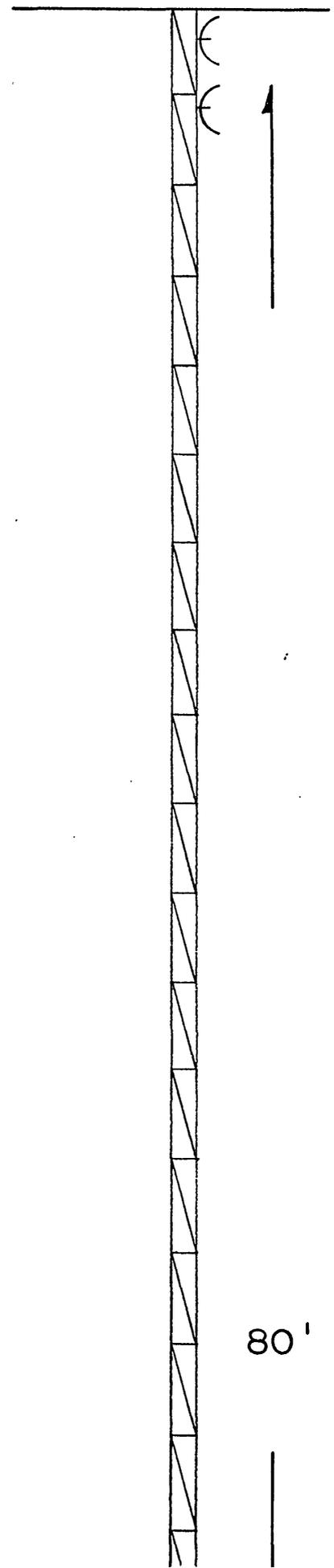
Communications Technologies, Inc.
Marlton, New Jersey 08053
June 1989

ADDITION TO A MAP
FOR'S SEAL IS A
OF THE NEW YORK

1" = 30'



80'



80'

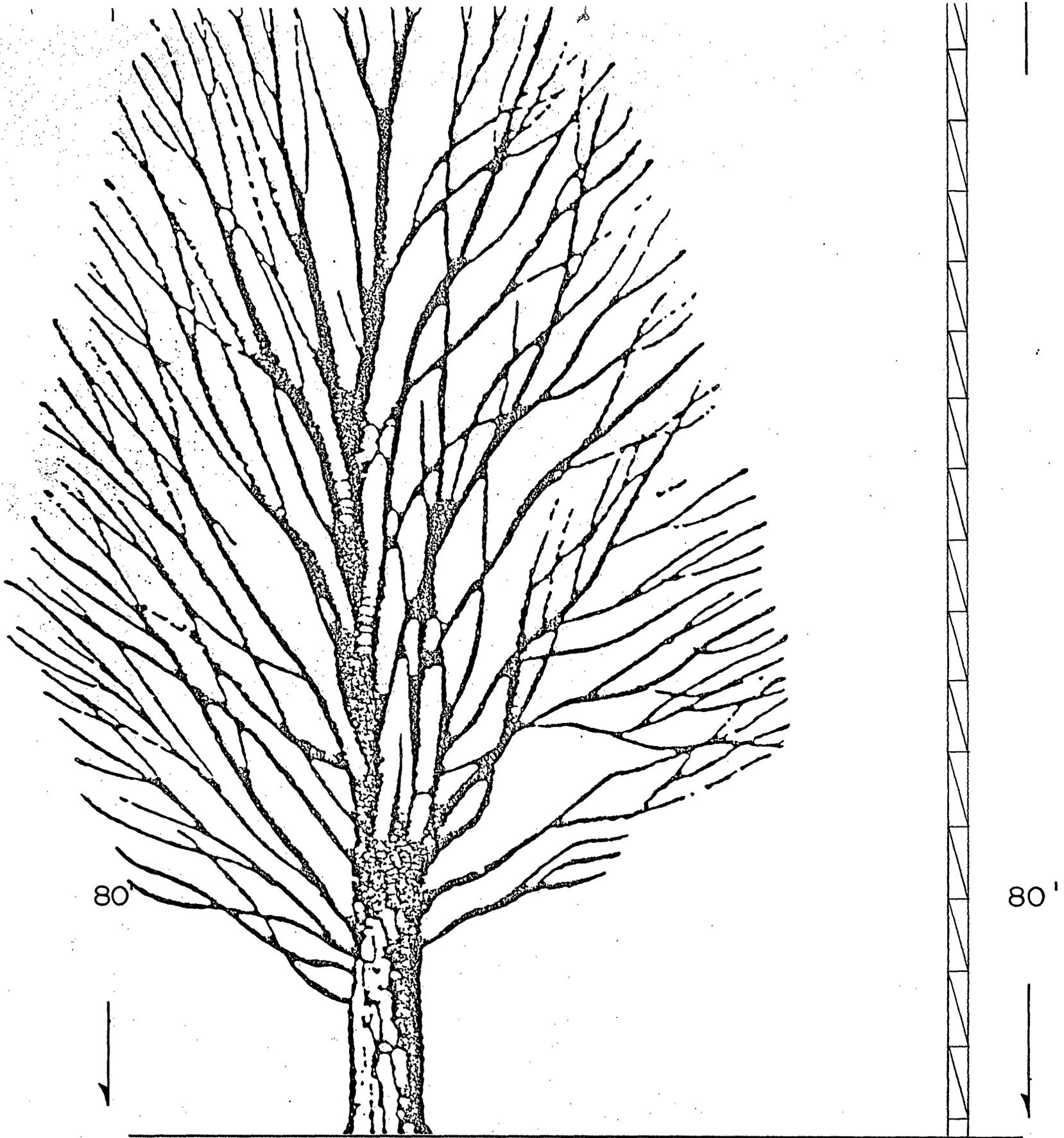


FIGURE 3

**VERTICAL PLAN SKETCH
ADVANCE BROADCASTING CORPORATION
WGNV PROPOSED RADIO RELAY TOWER**

*Communications Technologies, Inc.
Marlton, New Jersey 08053
June 1989*

Showing: 1. Typical 80 foot Maple Tree on site. 2. Proposed 80 foot tower, 15" cross section, tubular steel with open lattice construction.



Louis Heimbach
County Executive

Rec'd. ZBA
9/27/89 (PAB)

**Department of Planning
& Development**

124 Main Street
Goshen, New York 10924
(914) 294-5151

Peter Garrison, Commissioner
Richard S. DeTurk, Deputy Commissioner

**ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT
239 L, M or N Report**

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by Town of New Windsor Zoning Board D P & D Reference No. NWT 33-89M
of Appeals County I.D. No. 4 / 1 / 24 & 25

Applicant Advance Broadcasting Corp.

Proposed Action: Area (Height) Variance Little Britain Road

State, County, Inter-Municipal Basis for 239 Review frontage/access NYS Hwy. 207

Comments: The height alteration doesn't appear to encroach into the Stewart airspace.

Related Reviews and Permits _____

County Action: Local Determination XXXXXXXXXX Disapproved _____ Approved _____

Approved subject to the following modifications and/or conditions: _____

9/26/89
Date

Peter Garrison
Commissioner



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Prelim.
6/12/89.

#89-25

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

FILE NUMBER 89-12

TO; Robert Butts, Esq. - 452-8200 - Owner: Vanacore, Jos.

75 Washington St. - P.O. G.

Poughkeepsie, N.Y. 12602

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 1 MAY 89,

FOR PERMIT TO Erect 80' Relay Tower

AT 429 Little Britain Rd

IS DISSAPROVED ON THE FOLLOWING GROUNDS Excessive structure
height.

REQUIREMENTS	PROPOSED	VARIANCE
--------------	----------	----------

<u>48-15 A. (1) on page 4814 states that the total height</u>		
<u>is not more than 50% higher than the average building</u>		
<u>height.</u>		

height= building + 1/2 building

(45) = 30' + 15' (80)

35' VARIANCE REQ.

CALL PAT BARNHART 565-8550 FOR APPOINTMENT

Bill Pullar
BUILDING INSPECTOR

IMPORTANT

REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

- 1-WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
- 2-FOUNDATION INSPECTION - CHECK HERE FOR WATERPROOFING AND FOOTING DRAINS.
- 3-INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
- 4-WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
- 5-INSULATION.
- 6-PLUMBING FINAL & FINAL. HAVE ON HAND ELECTRICAL INSPECTION DATA PER THE BOARD OF FIRE UNDERWRITERS, AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETE AT THIS TIME.
- 7-DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR.
- 8-\$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE SAME INSPECTION TWICE.
- 9-PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
- 10-THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
- 11-SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
- 12-SPETIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
- 13-ROAD OPENING PERMITS MUST BE OBTAINED FROM TOWN CLERK'S OFFICE.

Name of Owner of Premises Joseph A. Vanacore and others

Address..... 429 Little Britain Road, New Windsor, NY..... 12550
Phone 561-8600

Name of Architect..... Communications Technologies, Inc.

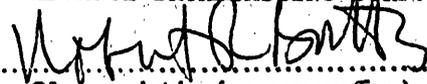
Address..... 65 Country Club Lane, Marlton, NJ...08053..... Phone ... (609) 985-0077.....

Name of Contractor Central Tower, Inc.....

Address..... Box 530, Newburgh, Indiana Phone ..(812) 853-0595.....

State whether applicant is owner, lessee, agent, architect, engineer or builder..... lessee.....

If applicant is a corporation, signature of duly authorized officer. ADVANCE BROADCASTING CORP.

By: 
(Name and title of corporate officer)
ROBERT R. BUTTS, Asst. Secretary

1. On what street is property located? On the..... south..... side of..... NY State Route 207.....
(N. S. E. or W.)

and 1200..... feet from the intersection of..... Old Little Britain Road.....

2. Zone or use district in which premises are situated PI (Planned Industrial).....

3. Tax Map description of property: Section..... 4..... Block..... 1..... Lot..... 24.....

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:

a. Existing use and occupancy office..... b. Intended use and occupancy office (studio)....

5. Nature of work (check which applicable): New Building..... Addition..... Alteration..... Repair..... Removal.....

Demolition..... Other X Erection of 80' relay tower

NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

- 1-WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
- 2-FOUNDATION INSPECTION - CHECK HERE FOR WATERPROOFING AND FOOTING DRAINS.
- 3-INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
- 4-WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
- 5-INSULATION.
- 6-PLUMBING FINAL & FINAL. HAVE ON HAND ELECTRICAL INSPECTION DATA PER THE BOARD OF FIRE UNDERWRITERS, AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETE AT THIS TIME.
- 7-DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR.
- 8-\$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE SAME INSPECTION TWICE.
- 9-PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
- 10-THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
- 11-SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
- 12-SPETIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
- 13-ROAD OPENING PERMITS MUST BE OBTAINED FROM TOWN CLERK'S OFFICE.

Name of Owner of Premises Joseph A. Vanacore and others

Address..... 429 Little Britain Road, New Windsor, NY 12550 Phone 561-8600

Engineer
Name of Architect..... Communications Technologies, Inc.

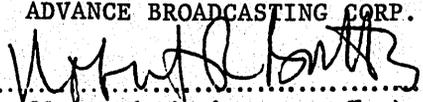
Address..... 65 Country Club Lane, Marlton, NJ 08053 Phone ... (609) 985-0077

Name of Contractor Central Tower, Inc.

Address..... Box 530, Newburgh, Indiana Phone .. (812) 853-0595

State whether applicant is owner, lessee, agent, architect, engineer or builder..... lessee

If applicant is a corporation, signature of duly authorized officer. ADVANCE BROADCASTING CORP.

By: 

(Name and title of corporate officer)
ROBERT R. BUTTS, Asst. Secretary

1. On what street is property located? On the south side of NY State Route 207 (N. S. E. or W.) and 1200 feet from the intersection of Old Little Britain Road
2. Zone or use district in which premises are situated PI (Planned Industrial)
3. Tax Map description of property: Section 4 Block 1 Lot 24
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:
 - a. Existing use and occupancy office
 - b. Intended use and occupancy office (studio)
5. Nature of work (check which applicable): New Building.....Addition.....Alteration.....Repair.....Removal..... Demolition.....Other..X.. Erection of 80' relay tower
6. Size of lot: Front 153' Rear..... Depth 295' Front Yard..... Rear Yard..... Side Yard..... Is this a corner lot? No (irregular)
7. Dimensions of entire new construction: Front..... Rear..... Depth..... Height 80' Number of stories.....
8. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....
 - Number of bedrooms..... Baths..... Toilets.....
 - Heating Plant: Gas..... Oil..... Electric...../Hot Air..... Hot Water.....
 - If Garage, number of cars.....
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use..... office (studio) 100%
10. Estimated cost \$2,000.00 Fee \$20.00 (to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals.....

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date..... May .1,.....1989.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

ADVANCE BROADCASTING CORP.

.....
(Signature of Applicant)

Box 3591

Newburgh, New York 12550

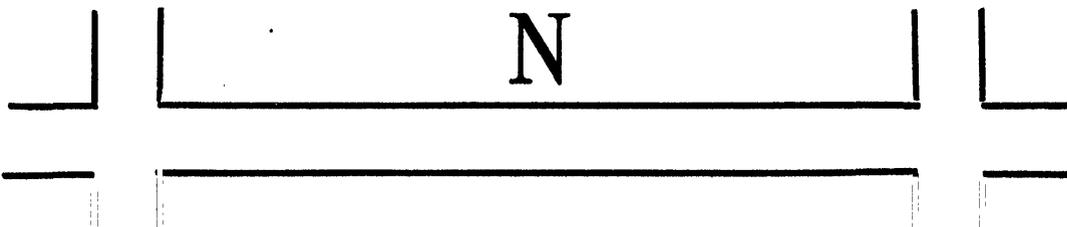
.....
(Address of Applicant)

By: ROBERT R. BUTTS, Asst. Secretary

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Refer -
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals.....

APPLICATION FOR BUILDING PERMIT
Pursuant to New York State Building Code and Town Ordinances

Date..... May . 1, 1989.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- c. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

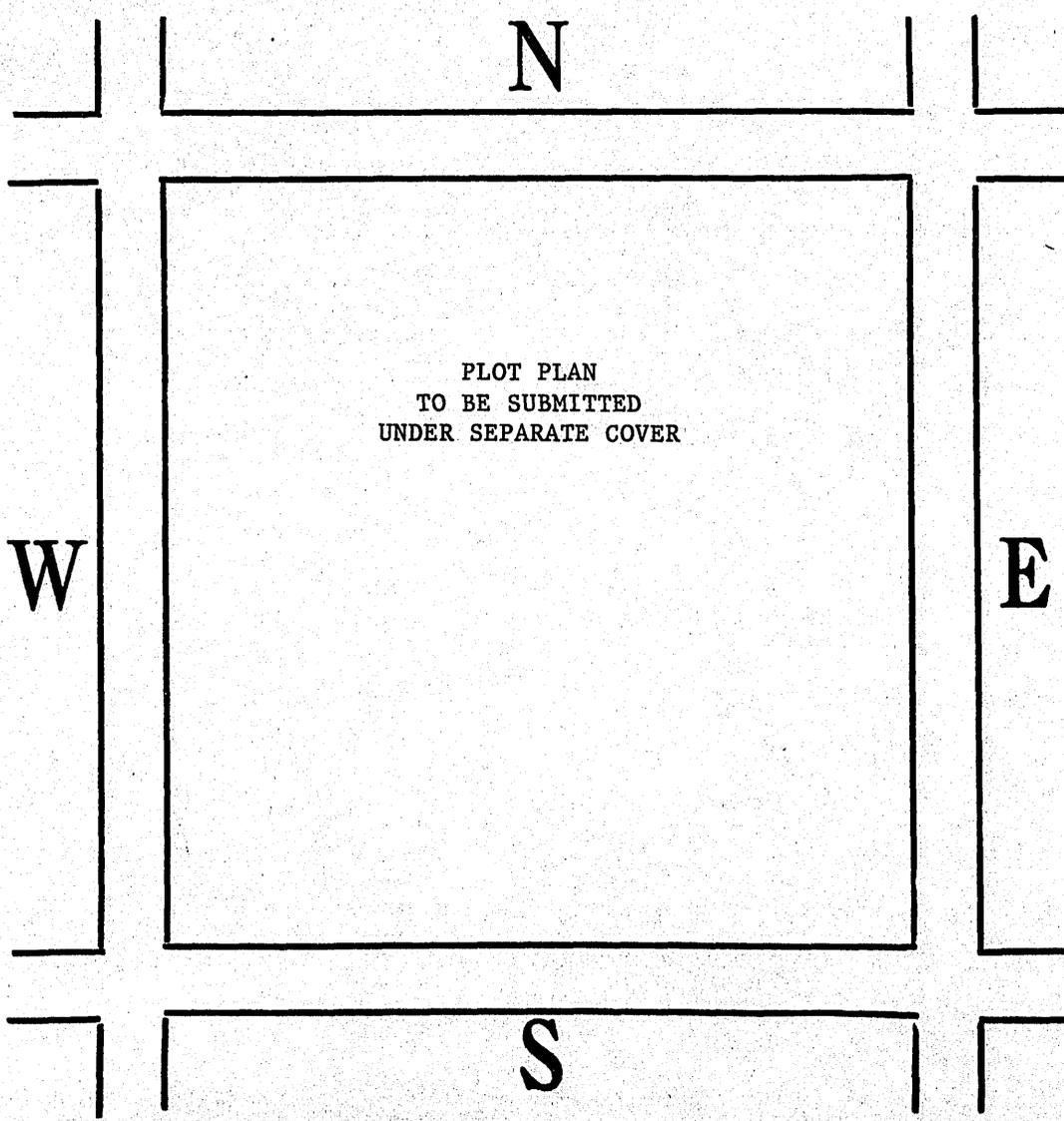
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

ADVANCE BROADCASTING CORP.
[Handwritten Signature]
(Signature of Applicant)

Box 3591
Newburgh, New York 12550
(Address of Applicant)

By: ROBERT R. BUTTS, Asst. Secretary PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



GUERNSEY, BUTTS & WALSH

ATTORNEYS & COUNSELLORS AT LAW

RAYMOND G. GUERNSEY (1878-1959)
CHARLES ALLISON BUTTS* (OF COUNSEL)
WILLIAM J. WALSH
ROBERT L. OSTERTAG
DOUGLAS F. WICKS
R. KEITH SALISBURY
ROLAND E. BUTTS
ROBERT R. BUTTS
DIANE M. O'LEARY
JEFFREY S. BATTISTONI
DENISE M. FITZPATRICK*

LEGAL ASSISTANTS
NANCY A. LOCKE
MARCIA KRAUZA-MARTIN
SUSAN M. SULLIVAN
DEBORAH B. TOMANOCY

75 WASHINGTON STREET
P. O. BOX G
POUGHKEEPSIE, N.Y. 12602

(914) 452-8200
FAX 914-452-0150

PLEASE REPLY TO () POUGHKEEPSIE
() RED HOOK
() BOCA RATON

RED HOOK OFFICE
35 WEST MARKET ST.
P. O. BOX 7
RED HOOK, N.Y. 12571
(914) 758-8893
(914) 876-4292
FAX (914) 758-2003

FLORIDA OFFICE
200 PALMETTO PARK RD. WEST
SUITE 303
BOCA RATON, FL. 33432
(407) 368-3400
DAVID B. VAN KLEECK (OF COUNSEL)
ADMITTED TO FL. BAR ONLY

August 29, 1989

*ADMITTED TO PRACTICE
IN N.Y. & FL.

Patricia A. Barnhart, Secretary
New Windsor Zoning Board of Appeals
555 Union Avenue - Town Hall
New Windsor, NY 12550

RE: ADVANCE BROADCASTING CORP. VARIANCE APPLICATION

Dear Ms. Barnhart:

As per our recent telephone conversation, I am enclosing copies of the following documents in connection with the application of Advance Broadcasting Corp. (WGNV) for a height variance for its proposed relay tower at 429-431 Little Britain Road. The following documents are enclosed:

1. Proposed Public Notice
2. 3 copies of application
3. Short Environmental Assessment Form
4. \$50.00 fee payable to Town of New Windsor

Please note that items III(b), (e) and (f) have not been completed, as this information is in the Town's records.

Please note that in the original application for a building permit, the owner of the premises was shown as Joseph A. Vanacore and others. Since that date, the parcels have been conveyed to CVC Capital Corp., which is shown as owner in the enclosed applications. During the entire period, however, the applicant has been and continues to be the tenant, Advance Broadcasting Corp. I previously obtained the consent of Mr. Vanacore, in writing, to proceed with these applications; I will also obtain for the Town's files a written consent on behalf of CVC Capital Corp.

Please advise my office of the date of the public hearing. If I am not available, please speak with my assistant, Marcia Krauza-Martin, who is familiar with this matter.

abc92401.cor(5)

GUERNSEY, BUTTS & WALSH

Patricia A. Barnhart, Secretary
New Windsor Zoning Board of Appeals
August 29, 1989
Page 2

Thanks very much for your cooperation and assistance in this matter.

Sincerely yours,

GUERNSEY, BUTTS & WALSH

Robert R. Butts
/mkm

Robert R. Butts

RRB/jlc
Enclosures

cc: Mr. Kelly Guglielmi (Advance Broadcasting Corp.)
Mr. Joerg Klebe (CVC Capital Corp.)
Mr. Clarence Beverage

R4F.
10/23/89 (110)

CONSENT OF PROPERTY OWNER

The undersigned, President of CVC Capital Corp., being the owner of parcels of land situate at the south side of Route New York State Route 207 in the Town of New Windsor, Orange County, New York (designated on tax maps as Section 4, block 1, lots 24 and 25), hereby authorizes the tenant of the property, Advance Broadcasting Corp. (WGNY), or its attorneys, engineers or representatives, to make application to the Town of New Windsor for a variance or such other permits and approvals as they may deem necessary.

Dated: September 5, 1989



JOERG G. KLEBE, President
CVC Capital Corp.

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR Advance Broadcasting Corp.	2. PROJECT NAME Variance Application
3. PROJECT LOCATION: Municipality <u>Town of New Windsor</u> County <u>Orange</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>429 and 431 Little Britain Road</u>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>Variance to permit erection of 80" relay tower.</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>1+</u> acres Ultimately <u>1+</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <u>Section 48-15 A(1) provides that total height may not exceed 50% higher than average building height. Variance of 35' is required.</u>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals <u>Town of New Windsor Zoning Board of Appeals - Variance Town of New Windsor Building Inspector - Building Permit ECC - modification of permit for the use of the station's equipment; not yet applied for.</u>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Advance Broadcasting Corp.</u> Date: <u>August 28, 1989</u>	
Signature: <u>Robert R. Butts</u>	

ROBERT R. BUTTS, Assistant Secretary

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

*file
B2 file*

GUERNSEY, BUTTS & WALSH

ATTORNEYS & COUNSELLORS AT LAW

75 WASHINGTON STREET
P. O. BOX G
POUGHKEEPSIE, N.Y. 12602

(914) 452-8200
FAX 914-452-0150

PLEASE REPLY TO () POUGHKEEPSIE
() RED HOOK
() BOCA RATON

RED HOOK OFFICE
35 WEST MARKET ST.
P. O. BOX 7
RED HOOK, N.Y. 12571

(914) 758-8893
(914) 876-4292
FAX (914) 758-2003

FLORIDA OFFICE
200 PALMETTO PARK RD. WEST
SUITE 303
BOCA RATON, FL. 33432
(407) 368-3400

DAVID B. VAN KLEECK (OF COUNSEL)
ADMITTED TO FL. BAR ONLY

RAYMOND G. GUERNSEY (1878-1959)
CHARLES ALLISON BUTTS* (OF COUNSEL)
WILLIAM J. WALSH
ROBERT L. OSTERTAG
DOUGLAS F. WICKS
R. KEITH SALISBURY
ROLAND E. BUTTS
ROBERT R. BUTTS
DIANE M. O'LEARY
JEFFREY S. BATTISTONI
DENISE M. FITZPATRICK*

LEGAL ASSISTANTS
NANCY A. LOCKE
MARCIA KRAUZA-MARTIN
SUSAN M. SULLIVAN
DEBORAH B. TOMANOCY

April 25, 1989

*ADMITTED TO PRACTICE
IN N.Y. & FL.

Tad Seaman, Esq.
Town Attorney
Town of New Windsor
555 Union Avenue
New Windsor, NY 12550

RE: WGNV - BUILDING PERMIT QUESTION

Dear Mr. Seaman:

I am representing radio station WGNV (Advance Broadcasting Corp.) in connection with its proposed use as lessee of property at 429 Little Britain Road as its offices and studio. The property is presently owned by Joseph A. Vanacore and others.

The proposed use will necessitate the construction of an 80 foot radio relay tower upon the premises, to relay WGNV's programming to its AM transmission tower at a remote site.

The property is located in the Planned Industrial (PI) Zone. We note that the schedule of uses includes a special permit use for "radio and television transmission antennas". We believe that this definition was intended to cover broadcast antennas, and not a less intrusive, radio relay antenna. I discussed this question with the building inspector, Mike Babcock, and he was unsure as to whether WGNV's proposed use would constitute a "radio and television transmission antenna" as identified in the Table of Use/Bulk Regulations. He suggested that I seek your opinion.

I would appreciate it if you would call me at your earliest convenience to discuss this matter. We are in the process of pursuing our application for a building permit, and will greatly appreciate any input and guidance that you could offer that might help us expedite our application process.

adv91152.cor

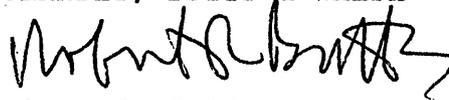
GUERNSEY, BUTTS & WALSH

Tad Seaman, Esq.
April 25, 1989
Page 2

Thank you very much for your cooperation and assistance in this regard.

Sincerely yours,

GUERNSEY, BUTTS & WALSH

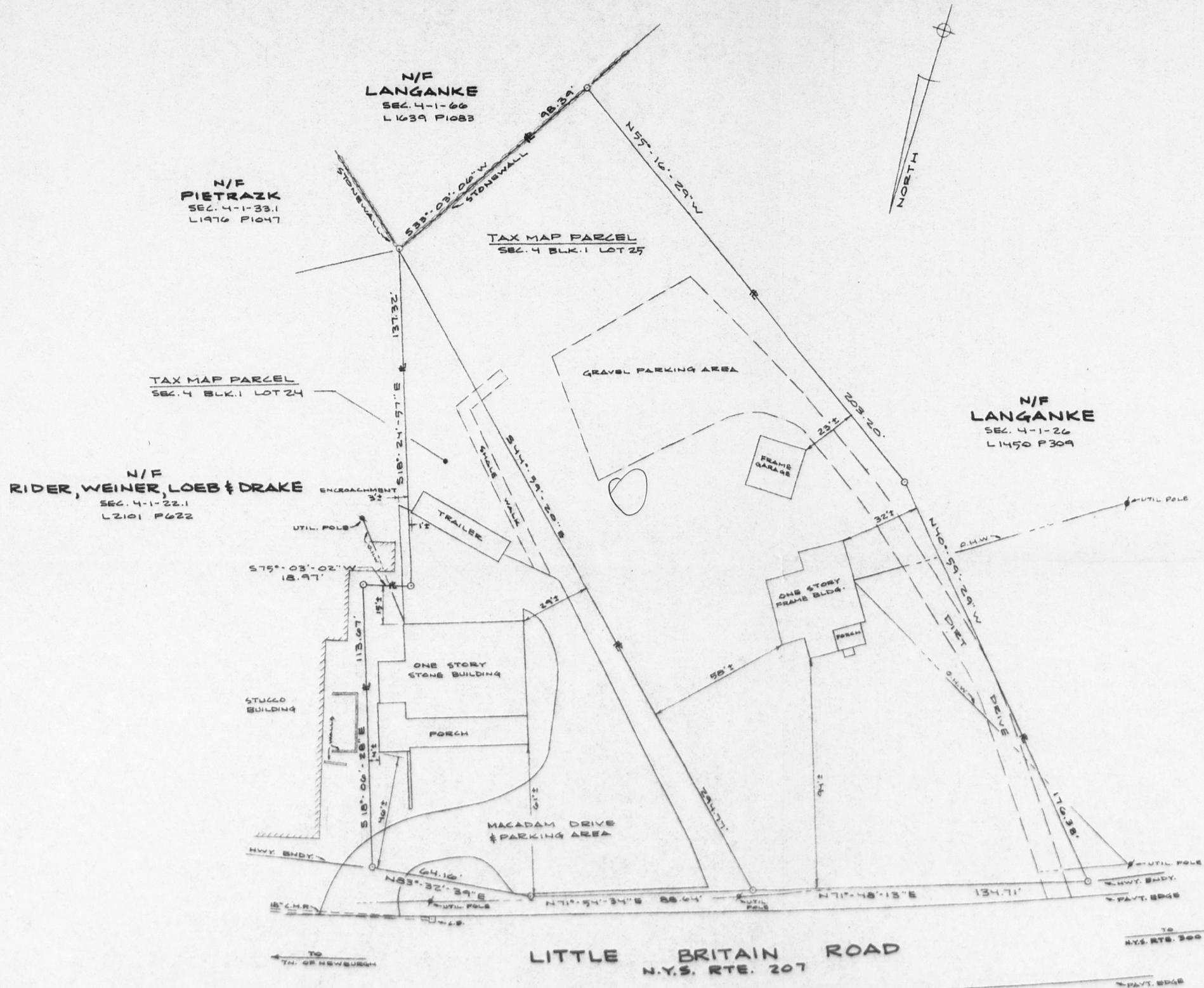


Robert R. Butts

RRB/jlc

cc: Mr. Kelly Guglielmi
Mr. James Raab
Mr. Joerg Klebe
Mr. Clarence Beverage

SUBJECT TO COVENANTS, EASEMENTS AND GRANTS IN
LIBER 742 CP. 66 LIBER 1106 CP. 274 & LIBER 1106 CP. 278.



I HEREBY CERTIFY TO THE PARTIES LISTED BELOW THAT THE MAP SHOWN IS FROM A SURVEY DONE BY ME AND IS TRUE AND CORRECT AS STATED.

ADVANCE BROADCASTING CORP
SUNSET CREST REALTY
COMMONWEALTH LAND TITLE INSURANCE COMPANY
JOSEPH A. VANACORE
THOMAS C. DEBENEDEKTUS
THOMAS D. WEDDELL
THOMAS R. DIGIOVANNI

TAX MAP DATA:

SECTION 4 BLOCK 1 LOT 24
SECTION 4 BLOCK 1 LOT 25

REFERENCE DEEDS:

LIBER 2189 PAGE 196
LIBER 2561 PAGE 124

CERTIFICATION SURVEY

LANDS OF
JOSEPH A. VANACORE ET AL
LITTLE BRITAIN ROAD TOWN OF NEW WINDSOR
ORANGE COUNTY NEW YORK
DATE: 6-7-89 SCALE: 1" = 30'

UNAUTHORIZED ALTERATION OR ADDITION TO A MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209(2) OF THE NEW YORK STATE EDUCATION LAW.

PREPARED BY:
VINCENT J. DOCE ASSOCIATES
SURVEYORS & PLANNERS
15 NEW ROAD NEWBURGH, N.Y.

