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THE BRANDYWINE BUILDING
1000 WEST STREET, 17TH FLOOR
WILMINGTON, DELAWARE 19801

P.O. Box 391
WILMINGTON, DELAWARE 19899-0391

(302) 571-6600
(800) 253-2234 (DE ONLY)
FAX: (302) 571-1253

110 WEST PINE STREET
P.O. Box 594
GEORGETOWN, DELAWARE 19947

(302) 856-3571
(800) 255-2234 (DE ONLY)
FAX: (302) 856-9338

WWW.YOUNGCONAWAY.COM

DIRECT DIAL: (302) 571-6683
DIRECT FAX: (302) 576-3295
I.GOODMAN@YCS.T.COM

RYAN M. BARTLEY
DONALD J. BOWMAN, JR.
MICHELE SHERRETTA BUDICAK
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JEFFREY T. CASTELLANO
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SPECIAL COUNSEL
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SENIOR COUNSEL
CURTIS J. CROW

OF COUNSEL
BRUCE M. STARGATT
STUART B. YOUNG
EDWARD B. MAXWELL, 2ND
JOSE W. INGERSOLL

December 30, 2009

BY HAND DELIVERY

Mr. Joseph Abele
New Castle County
87 Reads Way
New Castle, DE 19720

Re: Board of Adjustment Special Use Application for Delmarva Broadcasting Company; 2727 Shipley Road; Tax Parcel No. 06-042.00-017

Dear Joe:

Pursuant to the above-referenced property, enclosed please find the following:

1. A Board of Adjustment application;
2. A site plan;
3. A document on Delmarva Broadcasting Company stationary titled "Proposed New Tower for WSTW" which addresses the need for the tower per §40.03.326(C);
4. A document showing two Federal Communication Commission maps, and a DeLorme location map, both submitted to demonstrate that there are no known commercial communication towers within one mile of the proposed tower.
5. A schematic from Sabre Towers and Poles showing the design of the proposed tower;

YOUNG CONAWAY STARGATT & TAYLOR, LLP

New Castle County

December 30, 2009

Page 2

6. A check in the amount of \$2,500.00 representing the required filing fee.

This site is on property zoned S, and has been the home of Delmarva Broadcasting Company since 1948. It is the site of WSTW 93.7 FM and WDEL 1150 AM. The site is 35.93 acres, and currently houses Delmarva's broadcasting studios, offices and four radio towers, two at 235' and two at 346'. As set forth in full in the attachment titled "Proposed New Tower for WSTW," the new tower is proposed for WSTW, which has its main antenna destroyed by lightning this past fall.


The proposed new tower is a guyed tower, with a total of six guy wires. It is proposed for the middle of the property, thus affording a minimum of 400 ft. between the proposed tower and the nearest residential property.

Because of the design necessary for a radio tower and the height necessary for radio services, it is neither technically nor economically feasible to stealth this tower. The tower itself is quite slim in profile, and it will be located within a long established group of existing towers. Radio towers of this type are tall and slender, making them structurally unsuitable from a stealth perspective for the addition of stealthing attachments. Additionally, we are unable to imagine any stealthing mechanism that would not render the tower more rather than less noticeable.

The documentation included with this application includes all submission requirements pursuant to §40.03.326. To the extent that "standard" requirements are not specified in this application, please accept this letter as Delmarva's representation that it will comply with all requirements of §40.03.326.

If you have any questions or any additional materials are required, please do not hesitate to contact me.

Very truly yours,



Lisa B. Goodman

LBG:dlk
Enclosures

YOUNG CONAWAY STARGATT & TAYLOR, LLP
ATTORNEY OPERATING ACCOUNT
SEVENTEENTH FLOOR • 1000 WEST STREET
P.O. BOX 391 WILMINGTON, DELAWARE 19899-0391

62-760/312 122340

DATE CHECK NO.

12/29/09 122340

PAY TWO THOUSAND FIVE HUNDRED AND 00/100 USD

TO THE ORDER OF New Castle County

VOID AFTER 180 DAYS

AMOUNT

\$2,500.00



COMMERCE BANK/DELAWARE, N.A. WILMINGTON, DELAWARE

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

CHECK AMOUNTS OVER \$100,000 REQUIRE TWO SIGNATURES

⑈ 1 2 2 3 4 0 ⑈ ⑆ 0 3 1 2 0 7 8 0 1 ⑆ 6 6 0 0 2 2 9 4 8 ⑈

PLEASE DETACH BEFORE DEPOSITING

VENDOR NO. 1298 New Castle County (MAIN)(-Web) 2500.00 CHECK NO. 122340

INVOICE NO.	DATE	INV. AMOUNT	REF. NO.	CLIENT NO.	REQUESTOR	DISB.
12/28 065670	12-28-09	\$2,500.00	201452	065670.1004	0241	

MEMO:

DKATZ

DEPARTMENT OF LAND USE
New Castle County Government Center
87 Reads Way
New Castle, DE 19720
302-395-5400



BOARD OF ADJUSTMENT
APPLICATION FOR PUBLIC HEARING

Application Number _____
Fee Received/Check No. _____

REFER TO THE INFORMATION HANDBOOK FOR ASSISTANCE IN COMPLETING THIS APPLICATION

APPLICANT			LEGAL OWNER		
Delmarva Broadcasting Company			Delmarva Broadcasting Company		
Name			Name		
2727 Shipley Road			2727 Shipley Road		
Address			Address		
Wilmington	DE	19803	Wilmington	DE	19803
City	State	Zip Code	City	State	Zip Code
Phone (302) 571-6683			Phone (302) 571-6683		
E-mail address LGoodman@ycst.com					
Subject Property Location 2727 Shipley Road, Wilmington, DE 19803					
Address		City/State	Zip Code		
Tax Parcel Number 06-042.00-017		Council District 2	Zoning Classification S		

In addition to the persons listed above, copies of all correspondence should be sent to:

Name Lisa B. Goodman, Esquire
Address Young Conaway Stargatt & Taylor, LLP, P.O. Box 391, Wilmington, DE 19899
Phone (302) 571-6683

- Has a previous application for this property been filed with the Board? If yes, App. No. _____ Hearing Date _____
- Is the application being requested due to a code violation? If so, attach a copy of violation notice.
- Attach a copy of the plot plan for the subject property showing the layout of structures of the lot, the location of the subject property, and the size and location of any structures proposed.
- Attach the appropriate filing fee, payable to New Castle County, as shown on the fee schedule.
- Pursuant to Section 40.31.340.E, a public hearing notice is required to be posted on the subject property no later than ten working days in advance of the hearing. A signed affidavit of the posting is also required. (**Residential applications are exempt**).
- Pursuant to Section 40.31.140.B, any Board of Adjustment application which would require the filing of a land development plan for implementation shall be accompanied by a simultaneous exploratory plan submission.

The undersigned hereby certifies that the legal owner of the subject property is aware of and agrees to the filing of this application and that information contained herein is correct. (If the applicant is not the legal owner of this property, the legal owner or his authorized representative must sign this form.)

For Department Use Only

Delmarva Broadcasting Company

Applicant's Name (Please Print) _____
Applicant's Signature By: Lisa B. Goodman, Esquire Date 12/30/09

The Legal Owner of the subject property, hereby certifies that the information provided herein is correct and agrees to be bound by any decision of the Board of Adjustment with respect to subject property.

Delmarva Broadcasting Company

Legal Owner's Name (Please Print) _____
Legal Owner's Signature By: Lisa B. Goodman, Esquire Date 12/30/09

CHECK THE APPROPRIATE SECTION BELOW AND FILL IN THE REQUIRED INFORMATION PERTAINING TO THE TYPE OF RELIEF REQUESTED.

- Dimensional Variance** from code requirement. State size of variance being requested (example: variance from the required 6 foot side yard setback to construct [maintain] a dwelling 4.2 feet from the northerly property line):

- Special Use** for the following: to permit 495' radio communications tower on property zoned "S."

- Use Variance** to use property for use other than that allowed by its zoning classification, changing from its existing use as _____

To a proposed use as _____

- Appeal from an Administrative Decision** _____ dated _____

For the following reasons: _____

- Confirmation of a Non Conforming Use** _____

- Beneficial Use Appeal** _____

A fee is required for each application submitted

Dimensional Variance – for residential use.....	\$300	Mitigation of a Nonconforming situation for an individual residential lot or use	\$500
Dimensional Variance – non-residential use	\$2,000	Mitigation of a Nonconforming situation for other residential and nonresidential lots or uses.....	\$3,000
Use Variance – residential use.....	\$1,500	All other Board of Adjustment applications.....	\$3,000
Non-residential use	\$3,000		
Special Use	\$2,500		
Special Public Hearing	\$6,000		
Continuation of public hearing – residential.....	\$500		
Non-residential	\$1,500		
Appeal of decision by an administrative officer or agency regarding the interpretation of a zoning provision in New Castle County Code, Chapter 40-.....	\$3,000		



DELMARVA BROADCASTING COMPANY

PROPOSED NEW TOWER FOR WSTW

December 2009

Delmarva Broadcasting Company is proposing to build a new tower on its property off Shipley Road in North Wilmington. A new tower is needed to help WSTW better compete in Delaware with out-of-state radio stations and to provide greatly improved digital "HD" radio services for Delaware.

CURRENT TOWER LIMITATIONS

Delmarva's current broadcast facility and co-located towers were designed and built in the early 1950's. While they have served us well, the very nature of AM radio broadcasting makes placing any additional antennas for HD broadcasting on these towers very complex, technologically challenging and exorbitantly expensive.

For FM analogue and FM digital broadcasting, tower height is directly related to the station's coverage area. Our two taller towers are 346 feet and only one is structurally able to support an FM antenna above 275 feet. When WSTW's main antenna was destroyed by lightning this fall it forced us to move to a temporary backup antenna at 200 feet on one of our smaller towers. This has reduced the station's reach for months as we wait for a new antenna to be built and installed.

Having WSTW broadcast from its own, taller tower that is not also part of the WDEL antenna array would improve the station's coverage area, especially into Kent County. It would also allow for routine maintenance and repair work to be done on the WSTW antenna without powering down or turning off WDEL as is now the case.

A NEW TOWER

Construction of a new 495 foot tower on Delmarva's land would provide several key benefits to the residents of northern Delaware and to Delmarva Broadcasting.

- Increased height would provide better reception of 93.7 FM & HD 1, 2 & 3 signals to Delaware residents.
- Separating WSTW's antenna from the WDEL towers would give greater flexibility in repair and service work by allowing both stations to remain on the air at all times.
- WSTW is Delaware's primary station for the Federal Emergency Alert System. In this role WSTW is the first station in the state to receive and rebroadcast crucial information from the government during local and national emergencies. Construction of this new tower would help assure uninterrupted, clear transmission of public safety information to residents of New Castle County.
- By reaching and delivering a larger audience, WSTW would be in a better position to compete with national radio companies which provide homogenized content and do not provide vital local services such as weather related closings.

2727 SHIPLEY ROAD / PO Box 7492 / WILMINGTON, DE 19803 / PH: 302-478-2700 / Fx: 302-478-0100
WDEL.COM / WSTW.COM

ASR-GIS - Windows Internet Explorer

fcc.gov

File Edit View Favorites Tools Help

ASR-GIS

FCC Home | Search | Updates | E-Filing | Initiatives | For Consumers | Find People

Antenna Structure Registration

FCC > WTS > ASR > Online Systems > ASR Search [FCC Site Map](#)

ASR-GIS

[New Search](#) [Return to Results](#)

Map Options	
Layer Name Legend	
Structure	<input checked="" type="checkbox"/> <input type="checkbox"/>
Streets	<input checked="" type="checkbox"/> <input type="checkbox"/>
Counties	<input type="checkbox"/> <input type="checkbox"/>
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MTA	<input type="checkbox"/> <input type="checkbox"/>
CMA	<input type="checkbox"/> <input type="checkbox"/>
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EAG	<input type="checkbox"/> <input type="checkbox"/>
REA	<input type="checkbox"/> <input type="checkbox"/>
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RPC	<input type="checkbox"/> <input type="checkbox"/>
USA	<input type="checkbox"/> <input type="checkbox"/>
World1	<input type="checkbox"/> <input type="checkbox"/>

Map Navigational Tools	
Select the tool you wish to use and click on the map.	
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Overview Map

ASR-GIS - Windows Internet Explorer

fcc.gov

File Edit View Favorites Tools Help

ASR-GIS

FCC Home | Search | Updates | E-Filing | Initiatives | For Consumers | Find People

Antenna Structure Registration

FCC > WTS > ASR > Online Systems > ASR Search [FCC Site Map](#)

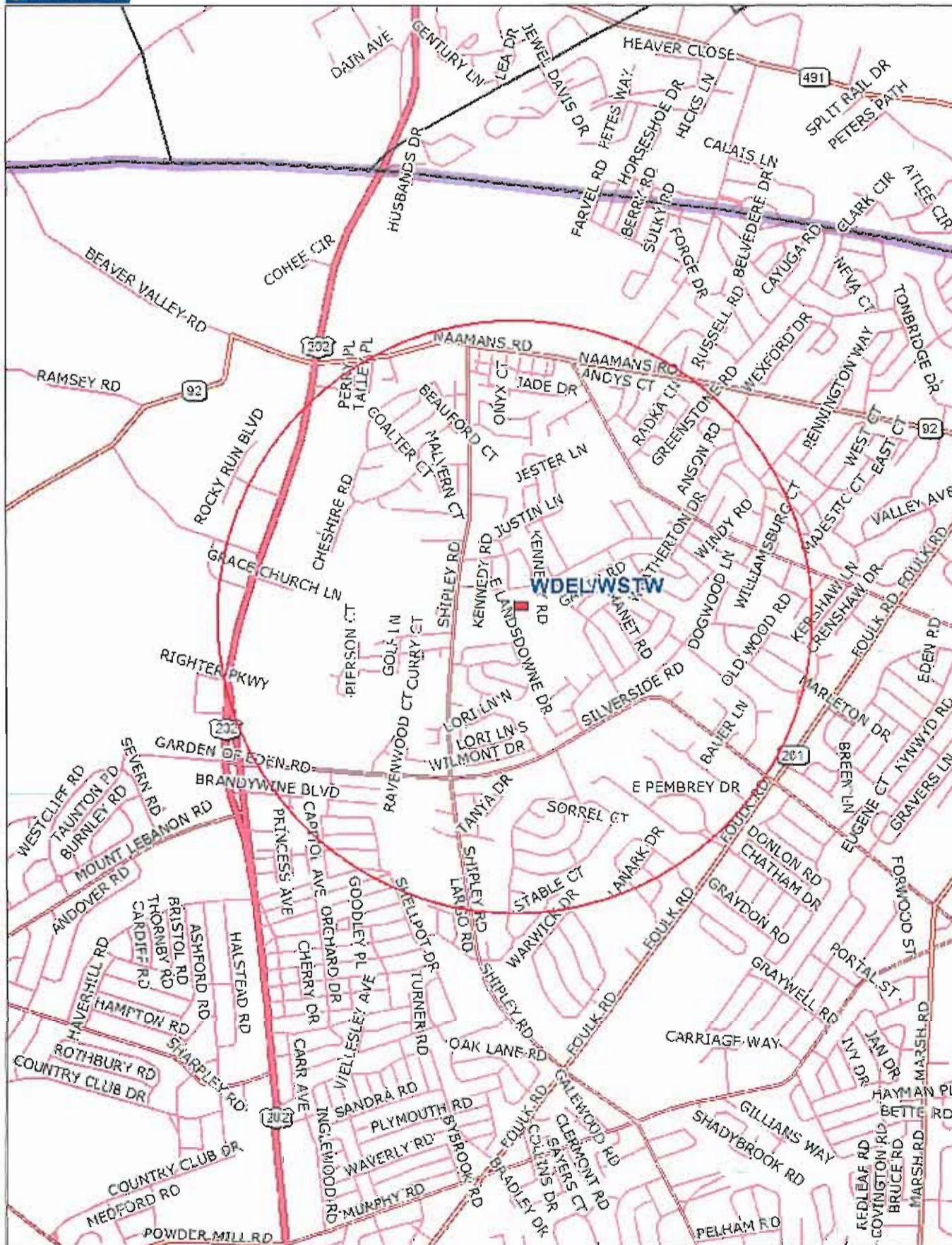
ASR-GIS

[New Search](#) [Return to Results](#)

Map Options	
Layer Name Legend	
Structure	<input checked="" type="checkbox"/> <input type="checkbox"/>
Streets	<input checked="" type="checkbox"/> <input type="checkbox"/>
Counties	<input type="checkbox"/> <input type="checkbox"/>
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USA	<input type="checkbox"/> <input type="checkbox"/>
World1	<input type="checkbox"/> <input type="checkbox"/>

Map Navigational Tools	
Select the tool you wish to use and click on the map.	
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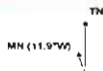
Overview Map



Data use subject to license.

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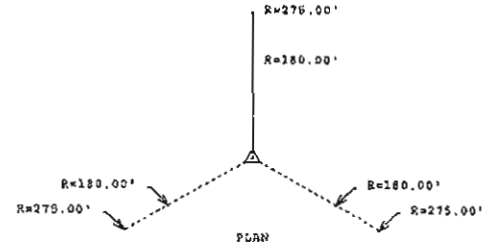
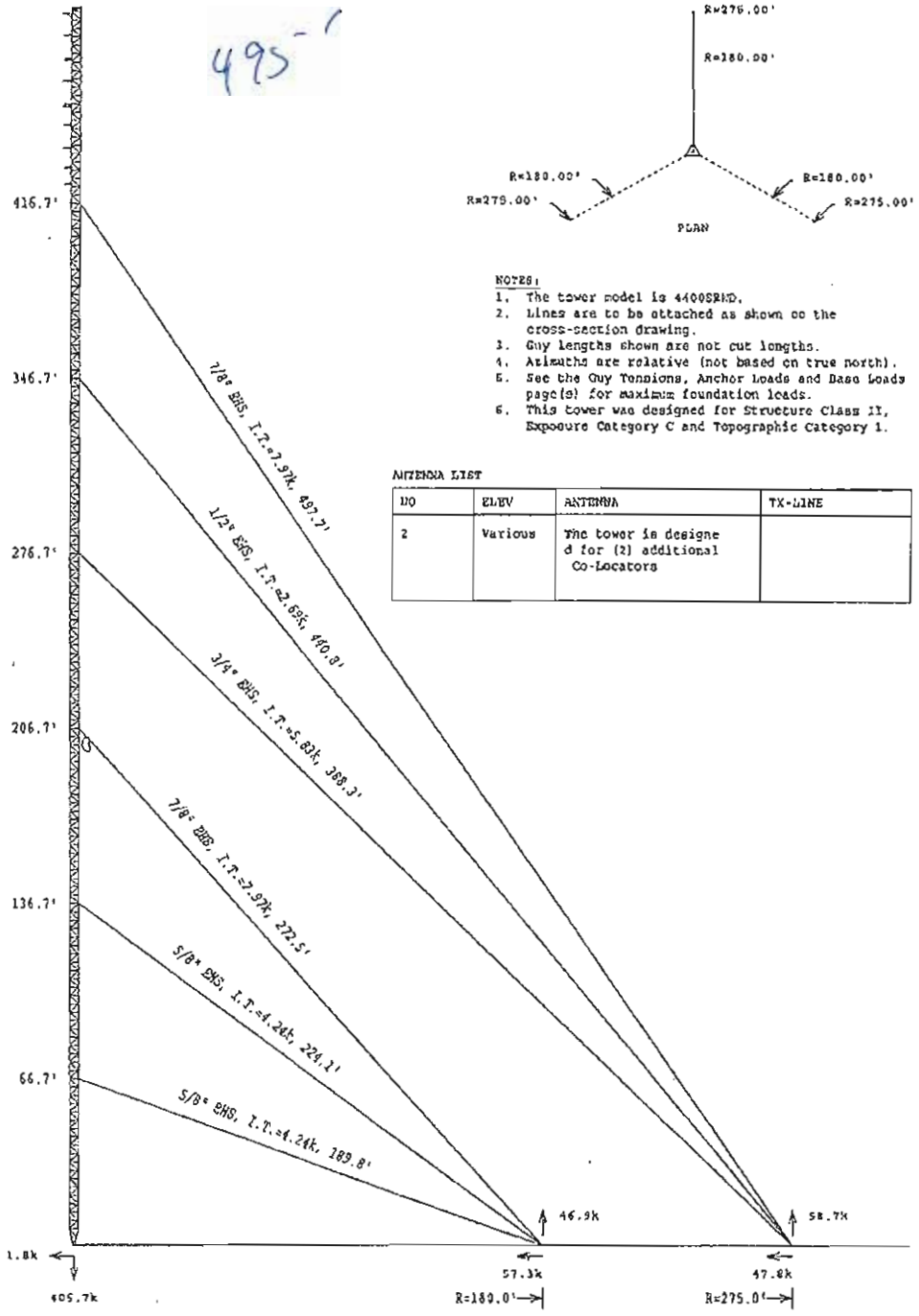
Scale 1 : 28,125



1" = 2,343.8 ft

Data Zoom 12-4

Leg	50 ksi	SR 2-1/2" Ø	SR 2-1/4" Ø	493.3'
Diagonal	36 ksi		SR 1-1/4" Ø	
Horizontal	36 ksi		SR 1" Ø	
Brace Bolts	Welded Sections			
Face Width	3.910'		3.7'	
Panel Height # Panels	0.0'		148 Ø 3.3'	




- NOTES:
1. The tower model is 4400SRAD.
 2. Lines are to be attached as shown on the cross-section drawing.
 3. Guy lengths shown are not cut lengths.
 4. Azimuths are relative (not based on true north).
 5. See the Guy Tensions, Anchor Loads and Base Loads page(s) for maximum foundation loads.
 6. This tower was designed for Structure Class II, Exposure Category C and Topographic Category 1.

ANTENNA LIST

NO	ELEV	ANTENNA	TX-LINE
2	Various	The tower is designed for (2) additional Co-Locators	

Elevation view of 60 deg. face & 0 - 120 deg. guy lines



Sabre Towers And Poles

2101 Murray Street (P.O. Box 658), Sioux City, IA 51112

Phone: (712) 250-6690 Fax: (712) 259-8250

Client: DELMARVA BROADCASTING CO INC Job No: 10-1466 Date: 22 dec 2009

Location: Wilmington, DE Total Height: 495.00' Tower Height: 495.00'

Standard: TIA 222-G-2005 Design Wind & Ice: 90mph 0" ice & 40mph 0.75" ice



DELMARVA BROADCASTING COMPANY

PROPOSED NEW TOWER FOR WSTW November 2009

Delmarva Broadcasting Company is proposing to build a new tower on its property off Shipley Road in North Wilmington. A new tower is needed to help WSTW better compete in Delaware with out-of-state radio stations, to provide greatly improved digital "HD" radio services for Delaware and to co-locate two wireless communication companies looking to provide coverage to business and residential customers in Brandywine Hundred.

BACKGROUND

In 1948 Delmarva acquired over 35 acres of land on Shipley Road to locate an 800 foot television tower and studio building for WDEL-TV. Between 1950 and 1951 four additional towers were built on the site as antennas for WDEL AM and WDEL FM.



In 1959 the WDEL TV tower was taken down. In 1960 WDEL AM & FM moved their studio location from the Odd Fellows building in downtown Wilmington to Shipley Road where they remain today.

WDEL 1150 AM is now Delaware's largest broadcast news operation. With a full staff of broadcast journalists and local talk hosts, WDEL covers more events and produces more live and local content about New Castle County and Delaware than any other station in the state.

In 2008 sister station WSTW 93.7 FM celebrated 30 years in the same format and 30 years as Delaware's most listened to radio station. Like WDEL, all of WSTW's programming is live and local.



Both radio stations have won numerous local, regional and national awards for programming excellence and outstanding community service. Under the same continuous family ownership since 1933, Delmarva is proud and grateful to be in Delaware and has always worked to be a good neighbor to Brandywine Hundred and beyond.

COMMUNITY SUPPORT

Delmarva Broadcasting has a long history of being a good neighbor to the neighborhoods that surround its property.

- We agreed in the 1960's and again earlier this decade to provide a path through our property for children to get to school more easily.
- Our land is unfenced with open access for people who regularly come to our property to exercise, walk their pets, pitch golf balls or just play.
- Many of our bordering neighbors have "extended" their backyards on to our property with some even planting gardens on our land.
- We have granted several requests for private parties and community groups like the 1st State Amateur Radio Club to use our land for gatherings.
- Delmarva agreed to the major flood control project designed and installed by the New Castle County Conservation District and the Federal Environmental Protection Agency that protects the properties of residents along the Shellpot Creek. Over 1,100 truckloads of soil were removed from our property to complete this design.

CURRENT TOWER LIMITATIONS

Delmarva's current broadcast facility and co-located towers were designed and built in the early 1950's. While they have served us well, the very nature of AM radio broadcasting makes placing any additional antennas for wireless communication or HD broadcasting on these towers very complex, technologically challenging and exorbitantly expensive.

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- Increased height would provide better reception of 93.7 FM & HD signals to Delaware residents.
- Separating WSTW's antenna from the WDEL towers would give greater flexibility in repair and service work allowing both stations to remain on the air at all times.
- Brandywine Hundred neighborhoods and businesses would see improved signal strength and service quality from T-Mobile and Clearwire communications for cellular and other wireless services.
- Delmarva would receive rental income from tower leases to offset the tower's construction and fund existing operations.
- The new tower would have room for additional tenants thereby reducing the need to build additional monopole structures in the area.
- By reaching and delivering a larger audience, WSTW would be in a better position to compete with national radio companies seeking to take local advertising dollars without a commitment to serving Delaware.
- A modern, efficient installation will provide more resources to Delmarva Broadcasting Company, which, in turn, will enable it to consistently improve its property and the value of those around it.

Delmarva Broadcasting is seeking the support of the civic associations of Brandywine Hundred to build this new tower.