



**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

**RECEIVED**

SEP 14 2009

TOWN OF BETHEL  
TOWN CLERK

PLANNING COMMISSION  
(203) 797-4525  
(203) 797-4586 (FAX)

September 10, 2009

TO: Town Clerk, Town of Bethel  
**Bethel Planning & Zoning Dept. \*\*\***

FROM: Arnold E. Finaldi Jr., Chairman, Danbury Planning Commission

RE: MetroPCS of NY LLC as Agent for DP39 LLC & AE7LLC – Application for Special Exception for Rooftop "Wireless Telecommunications Facility" in the CG-20 Zone – 116 Newtown Rd. (#M10065) – SE #686.

Pursuant to Section 8-3h of the General Statutes of the State of Connecticut, the City of Danbury Planning Commission hereby notifies you of the above referenced application.

The public hearing is scheduled for October 7, 2009. Please return any comments you may have as soon as possible to Associate Planner Jennifer Emminger. Thank you for your attention to this matter.

AEF/jvr

**\*\*\* Complete Package including Application, Plans, Service Coverage Report, FCC RF Compliance Assessment & Report, and Photosimulations hand delivered on 9/11/09.**



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FOR OFFICE USE ONLY  
DATE REC. \_\_\_\_\_  
FILE NO.: SE 686

PLANNING COMMISSION  
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### APPLICATION FOR SPECIAL EXCEPTION APPROVAL

An "Application for Special Exception Approval" shall be submitted to the Planning Commission through the Department of Planning & Zoning for approval of all Special Exception uses in accordance with applicable requirements of the City of Danbury Zoning Regulations. This "Application" form shall be completed and signed by the property owner and the applicant/agent and shall be accompanied by all documents, plans, fees and other materials specified below under "Submission Requirements." All "Applications for Special Exception Approval" shall be accompanied by an "Application for Site Plan Approval" pursuant to the Zoning Regulations.

The application review period, as specified in §8-26 of the C.G.S., as amended, will not commence until all the "Submission Requirements" specified below are submitted to the Department of Planning & Zoning. Failure to comply with all "Submission Requirements" shall result in a denial of the Application.

- Name of proposed development: Installation of MetroPCS's wireless antennas on commercial rooftop
- Street address of the proposed development: 116 Newtown Road
- Date submitted: August 28, 2009 Assessor's Lot # Map 10, Lot 65 m10065
- Property owner's name: DP39, LLC & AE7, LLC tenants in common Phone: \_\_\_\_\_  
Address: 333 North Bedford Road, Suite 145, Mt. Kisco, NY 10549 Fax: \_\_\_\_\_  
(street, city, state, zip code)
- Applicant/Agent's name: Scott Muska Esq. for MetroPCS of NY LLC Phone: (860) 509-6526  
Address: Brown Rudnick LLP, 185 Asylum St., Hartford, CT 06103 Fax: (860) 509-6501  
(street, city, state, zip code)
- Zoning District: CG-20
- Special Exception Use: Installation of wireless antennas on the rooftop of a commercial building.

8. Zoning Regulations section(s) authorizing this special exception: 3.E.6.b
9. Does the property contain wetlands or watercourses  Yes  No  
 If Yes, and a regulated activity is proposed within the wetland or watercourse, or its regulated buffer, on what date was the application submitted to the Environmental Impact Commission?  
 \_\_\_\_\_
10. Is the property or any portion thereof located within a floodplain zone?  Yes  No  
 If Yes, and work is proposed in the floodplain zone, a Floodplain Permit will be required from the Planning Commission in accordance with Section 7.A of the Zoning Regulations.
11. Is the property or any portion thereof located with a designated Public Water Supply Watershed zone?  
 Yes  No  
 If Yes, the Applicant/Agent shall be required to comply with Section 7.C of the Zoning Regulations.
12. List all municipalities within five hundred (500) feet of the subject property (if any)

\_\_\_\_\_  
 Town of Bethel

**I hereby acknowledge that to the best of my knowledge, the above information is true, complete and correct.**

Property Owner: Please see Letter of Authorization  
 Print Name

\_\_\_\_\_  
 Signature Date

Applicant or Agent: SCOTT MUSKA  
 Print Name

Scott Muska 8.28.09  
 Signature Date

Site: NY-6318  
Market: Westchester/Connecticut

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LETTER OF AUTHORIZATION/ CITY OF DANBURY, CT

DP39, LLC and AE7, LLC as Tenants in Common as the owner of the property at 116 Newtown Road (APN: M10/65) Danbury, Connecticut (the "Property"), does hereby appoint MetroPCS of New York, Inc. and Brown, Rudnick, LLP, and their representatives, as its agents for the purpose of consummating any application necessary, including any special permit and/or variance and/or building permit application, to insure its ability to use the Property for the purpose of installing a public utility communications facility and related equipment on the Property.

OWNER:

DP39, LLC and AE7, LLC as Tenants in Common

By: [Signature]

By: [Signature]

Name: James A. Diamond

Name: Todd Albright

Title: Member

Title: Member

Date: August 4, 2009

Date: August 4, 2009

STATE OF New York

COUNTY OF WESTCHESTER

On 8/4/09, before me, GEORGE C. PALMIERO, Notary Public, personally appeared JAMES A. DIAMOND personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[Signature] (SEAL)  
Notary Public

My commission expires: MARCH 24, 2011

George C Palmiero  
Notary Public - State of New York  
No. 01PA0089211  
Qualified in Westchester County  
Commission Expires March 24, 2011