

## REGULAR MEETING

Danbury Aviation Commission  
Danbury City Hall, 155 Deer Hill Avenue, Danbury, CT 06810  
Third Floor / Conference Room #3C / Tuesday, October 16, 2012, at  
7:00 p.m.

### AGENDA:

1. Meeting Called to Order
2. Roll Call  
Minutes of Regular Meeting: April 17, 2012
3. Liaison Report
4. Administrator's Monthly Report
5. Public Speaking Session on Items Listed on Agenda

### OLD BUSINESS:

*Danbury Aviation, Proposed Hangar Project/Lease*

### NEW BUSINESS:

*DXR Holdings, LLC – Request to broaden restrictions on original Deed dated December 28, 1948, copy attached.*

*Business Aircraft Center – Request to Lease additional 150' by 150' piece of land adjacent to current ramp space, copy attached.*

cc: Commission Members  
Town Clerk's Office  
Atty. Pinter, Corp Counsel  
FBO's / Tenants  
File

RECEIVED AND FILED

OCT 11 2012  
at 10:55 PM o'clock  
TOWN CLERK'S OFFICE  
DANBURY, CT  
*Glen A. Kowak*  
TOWN CLERK



**CITY OF DANBURY**  
DANBURY, CONNECTICUT 06810

Danbury Municipal Airport  
P. O. Box 2299  
Danbury, CT 06813  
(203) 797-4624  
Fax: (203) 796-1569

Paul D. Estefan  
Airport Administrator  
Michael Safranek  
Assistant Airport Administrator

TO: Aviation Commission Members

Cc: John Ashkar, Chairman

FROM: Paul D. Estefan, Airport Administrator

DATE: August 28, 2012

SUBJECT: DXR Holdings, LLC

Attached is correspondence that has been forwarded to Mayor Mark Boughton and Members of the City Council to have DXR Holdings, LLC (old Sadler Property) added to the agenda for the September City Council Meeting.

After action has been taken by the City Council, this request will be on the September 18<sup>th</sup> Aviation Commission Meeting for your consideration.

If you have any questions, please feel free to contact me.

PDE:ald  
Enclosure



CITY OF DANBURY

155 DEER HILL AVENUE

DANBURY, CONNECTICUT 06810

DANBURY MUNICIPAL AIRPORT  
P.O. BOX 2259  
DANBURY, CT. 06813-2259

AIRPORT ADMINISTRATOR  
PAUL D. ESTEFAN  
(203) 797-4624

August 25, 2012

Mayor Mark D Boughton

Honorable Members of the City Council

City of Danbury

Dear Mayor Boughton & Honorable Members of the City Council,

I have attached a letter from Attorney Robin Kahn who represents DXR Holdings seeking to release or, if necessary, the broadening of the restriction that was imposed by the Town of Danbury on December 29, 1948. To date I have been working with the Legislative Office in trying to find the minutes of that Town of Danbury Meeting that imposed those restrictions but we have not located them as of this letter.

I am forwarding these documents for your consideration.

Sincerely,

Paul D Estefan

Airport Administrator

Cc: Estefan96





HERBERT L. COHEN  
(1928-1983)

AUSTIN K. WOLF  
RICHARD L. ALBRECHT  
JONATHAN S. BOVMAN  
IRVING J. KERN  
STEWART J. EDELSTEIN  
NEIL R. MARCOS  
G. KENNETH BERNHARD  
DAVID L. GROGINS  
GRETA B. SOLOMON  
ROBIN A. KAHN  
RICHARD SLAVIN  
DANIEL S. NAGEL  
RICHARD J. DI MARCO  
DAVID B. ZABEL  
MARK A. KIRSCH  
DAVID M. LEVINE  
JOSEPH G. WALSH  
DAVID A. BALL  
JOCelyn B. HURWITZ  
STUART M. KATZ  
MONTE B. FRANK  
PATRICIA C. SULLIVAN  
VINCENT M. MARINO  
JULIE D. KOHLER  
AMI J. HOFFMAN  
COURTNEY A. GEORGE  
BARBARA M. SCHELLENBERG  
RACHEL A. PENCU  
GARY B. PHILAN  
JANE L. HARNISS  
JASON A. BUCHSBAUM  
L. JOVELLE DEFELICE  
LAUREN G. WALTERS  
DAVID M. MORGAN  
MARGIA M. ESCOBEDO  
DAVID DONN  
NATHAN C. ZEZULA  
PHILIP C. PIRAS  
ELIZABETH A. ULLMAN  
ROBYN H. DRUCKER  
RACHEL A. SCHWARTZMAN

SPECIAL COUNSEL  
MATTHEW C. SUSMAN

OF COUNSEL  
MARTIN J. ALBERT  
PETER A. ANYURI  
LEONARD C. BLUM  
ANN L. FOWLER-CRUZ  
THEMIS KLANDIS  
ROSAMOND A. KOETREER  
BRUCE L. LEVIN  
JACK E. MCGREGOR  
ALLAN J. ROSEN  
MARTIN E. WOLF

ROBIN A. KAHN, ESQ  
[rkahn@cohenandwolf.com](mailto:rkahn@cohenandwolf.com)

Please reply to: Danbury

August 24, 2012

VIA EMAIL ONLY

Mr. Paul Estefan  
City of Danbury Airport Administrator  
Wibling Road  
Danbury, Connecticut 06810

Re: DXR Holdings, LLC  
Wallingford Road, Danbury, Connecticut

Dear Paul:

As you know, I represent DXR Holdings, LLC, the owner of property located on Wallingford Road in Danbury. DXR purchased the property from Ruth Sadler in January of 2011, and since that time my client has made significant improvements to same, including the complete renovation of existing hangar buildings.

The property is subject to a restriction contained in a Warranty Deed dated December 29, 1948 from the Town of Danbury to Mrs. Sadler's late husband, Clifford Sadler. The restriction provides that the property "shall be used solely for the following purposes: the sale of airplanes, airplane parts and gasoline, the storage of airplanes, the repair and overhauling of airplanes and airplane engines, and the manufacture of airplane parts".

My client is seeking the release or, if necessary, the broadening of the restriction so that the property may be used for additional purposes which are permitted in the IL-40 zone and which would be beneficial and complementary to the airport, other properties surrounding the airport and the City of Danbury in general. You have told me that you have been unable to locate any records which would explain the rationale behind the inclusion of the restriction in the 1948 deed. My client and I believe that any such rationale has ceased to be relevant, particularly since there is currently an overabundance of aviation businesses in the area.

1115 BROAD STREET  
P.O. Box 1821  
BRIDGEPORT, CT 06601-1821  
TEL: (203) 368-0211  
FAX: (203) 394-9901

158 DEER HILL AVENUE  
DANBURY, CT 06810  
TEL: (203) 792-2771  
FAX: (203) 791-8149

320 POST ROAD WEST  
WESTPORT, CT 06880  
TEL: (203) 222-1034  
FAX: (203) 227-1373

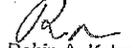
657 ORANGE CENTER ROAD  
ORANGE, CT 06477  
TEL: (203) 295-4056  
FAX: (203) 295-4058

August 24, 2012  
Page Two

Since the restriction is contained in a deed from the Town of Danbury, I understand that its release must be approved by the City Council. Accordingly, I would request that you recommend that this request for the release of the restriction be placed on the September agenda of the Council for consideration.

Thank you for your usual courtesies.

Very truly yours,

  
Robin A. Kahn

RAK:jad  
cc: DXR Holdings, LLC

# To all People to Whom these Presents shall Come Greeting:

Know Ye, That the TOWN OF DANBURY, a municipal corporation organized and existing under and by virtue of the laws of the State of Connecticut, and located and having its place of business at said Danbury, acting herein by CHARLES I. SWEENEY, CHARLES J. BROCCO and ARTHUR MARRAGLIA, its Board of Selectmen, duly authorized by a vote of a Town Meeting dated December 28, 1948,

for the consideration of ONE DOLLAR (\$1.00) and other valuable considerations,

received to its full satisfaction of CLIFFORD SADLER, of the said Danbury,

do give, grant, bargain, sell and confirm unto the said CLIFFORD SADLER,

A certain piece or parcel of land, containing 0.61 acres, more or less, situate in said Danbury, and described as follows:

Commencing at a concrete monument at the present northerly end of Wallingford Road, thence running southerly 52°23' West 62.12 ft.; thence running northerly 01°51'28" West 100.89 ft.; thence running northerly 58°44'40" East 64.75 ft.; thence running northerly 83°02'00" East 46.86 ft.; thence southerly 01°15'20" East 188.87 ft.; thence running southerly 88°50' West 27.08 ft.; thence along Wallingford Road northerly 32°15' West 25.8 ft.; thence running southerly 52°23' West 39.0 ft. to point of beginning.

Bounded Northerly and Easterly by other land of the grantor; Southerly by other land of the grantor, Wallingford Road and land now or formerly of Helms, each in part; and Westerly by other land of the grantor and Wallingford Rd., each in part. Reference is hereby made to a map entitled "Map Showing Property to be Conveyed and Leased by the Town of Danbury to Clifford Sadler, at Danbury Airport", said map prepared by S.T. Ham, C.E., and L.S., dated November 30, 1948.

The grantee herein covenants and agrees by the acceptance hereof, for himself, his heirs, executors, administrators and assigns, that the parcel of land herebefore described shall be used solely for the following purposes: the sale of airplanes, airplane parts and gasoline; the storage of airplanes; the repair and overhauling of airplanes and airplane engines; and the manufacture of airplane parts, and this covenant shall be construed as a covenant running with the land.

The grantee herein covenants and agrees by the acceptance hereof, for himself, his heirs, executors, administrators and assigns, that no building or construction of any type will be placed on said parcel which hinders, obstructs, damages or impairs the use and operation of the Danbury Airport, and this covenant shall be construed as a covenant running with the land.

To Have and to Hold the above granted and bargained premises, with the appurtenances thereof, unto him the said grantee his heirs, successors and assigns forever, to and their own proper use and behoof.

And also, it the said grantor does for itself, its successors and assigns, covenant with the said grantee his successors, heirs and assigns, that at and until the ensembling of these presents,

it is well seized of the premises, as a good indefeasible estate in FEE SIMPLE; and has good right to bargain and sell the same in manner and form as is above written; and that the same is free from all encumbrances whatsoever, except the restrictions hereinafore stated.

And Furthermore, it the said grantor does by these presents bind itself and its successors and assigns forever to WARRANT AND DEFEND the above granted and bargained premises to him the said grantee his successors, heirs and assigns, against all claims and demands whatsoever, except as hereinafore stated.

In Witness Whereof, the said grantor has hereunto caused to be set its hand and seal, this 29th day of December in the year of our Lord nineteen hundred and forty eight.

Signed, Sealed and Delivered in presence of:
Charles J. Troccoli (L.S.)
First Selectman
Charles J. Troccoli
Second Selectman
Arthur Martagetta
Third Selectman

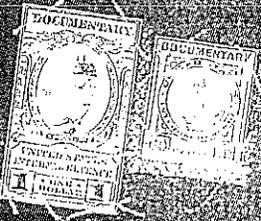
State of Connecticut

County of Fairfield, ss. Danbury, December 29, A. D. 1948

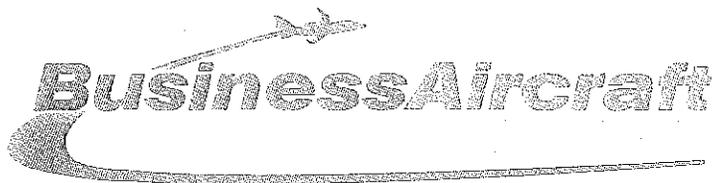
Personally Appeared CHARLES J. TROCCOLO, First Selectman, CHARLES J. TROCCOLO, Second Selectman, and ARTHUR MARTAGETTA, Third Selectman, of the Town of Danbury, being hereunto duly authorized,

Signers and Sealer of the foregoing instrument, and acknowledged the same to be their free act and deed, and the true act and deed of said municipal corporation, before me.

James L. Leno
Notary Public
Commissioner of the Superior Court
for Fairfield County.



Received for Record Feb. 15, 1949 at
Augusta Decker
Town Clerk



(203) 748-7000  
(203) 790-9000 fax  
81 Kenosia Avenue  
Danbury, CT 06810

Paul Estefan  
155 Deer Hill Avenue  
Danbury, CT 06810

24 September 2012

Mr. Estefan,

I would like to request to be put on the agenda for the upcoming Aviation Commission meeting. I would like to lease the 150' by 150' area detailed on the attached diagram. I intend to use this area as additional ramp space.

I would like this area to be leased as an addendum to the current Business Aircraft Center lease. It will be used only by BAC and not by other FBOs due to its location. Currently this property is undeveloped and has never been leased in the past. I intend to pave the area, at my cost, in order to create additional ramp space.

Please contact Lynda Silvestro at 203-966-5466 to confirm that this has been placed on the agenda.

Thank you,

A handwritten signature in black ink, appearing to read "Santo Silvestro", is written over the typed name.

Santo Silvestro  
*Managing Member, Business Aircraft Center*

