

**DANBURY AVIATION COMMISSION**  
**MEETING MINUTES**

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

*John A. Ashkar*  
DANBURY, CONN.  
TOWN CLERKS OFFICE  
#Clock Map#  
1025  
OCT 23 2012

01 Meeting Called to Order By Chairman Ashkar.

02 Roll Call:

Present: Commissioners Ashkar, Zilinek, Oppermann, Baker

Absent: Frizzell

03 Motion made to accept the regular meeting minutes of April 17, 2012 as written by Commissioner Oppermann seconded by Commissioner Zilinek and unanimously approved.

RECEIVED AND FILED

04 Liaison Report:

Commissioner Oppermann reported on April 27, 2012 met with the owners of Westconn Aviation and US Flight who are making improvements to the previously known Sadler property. Met with Mr. Chris Orifici and Mr. Bernie Paquette. On May 3, 2012, visited Business Aircraft Center meeting with Mr. Gus Ennis of Curtiss Aero. Also met with Mr. Alan Speakmaster of Master Aviation and met with Mr. Rob Zohn, whose new business is Flight Investments located in the BAC complex who would like to see the "Visual Approach Indication System" to Runway 8 and questioned if any positive improvement been made to repairing the DME and getting a Waas Approach. Commissioner Oppermann requested an updated list of the companies on the field. On September 27, 2012, stopped at Westconn Aviation meeting with Mr. Chris Orifici and was favorably impressed with the progress and scope of the construction that is in progress. He also described in detail his request of the Commission to approve relaxing the deed restrictions imposed when the property was purchased by Clifford Sadler in 1948. Commissioner Oppermann expects the Commission to grant his request. A copy of Commissioner Oppermann's report is attached.

05 Administrator's Monthly Report:

Mr. Paul Estefan reported Request To Bid for Hazard Beacons was put out. The FAA did not give us all money requested but enough to do the critical beacons, and we are hoping to sign contracts this month to start the process of the lights rehabbed. The project will be "weather related" so don't know when complete. Company will have 45 days to complete the project. Commissioner Ashkar asked why did the FAA short us? Mr. Estefan replied "ask congress." About \$400,000 was cut from our project.

**Motion made by Commissioner Zilinek to open Public Speaking, seconded by Commissioner Oppermann, and unanimously approved.**

***Public Speaking:***

Mr. Wayne Toher, Reliant Air, requested an update on the Waas Approach. Mr. Estefan replied the FAA has not given us an answer yet. Mr. Safranek reported it is in line for about two years with the initial approvals done. Mr. Toher also stated there is some concern about alcohol and pilots with a restaurant in my building for over 20 years and there was never concern about pilots drinking, and there are so many airports that have restaurants and liquor licenses. Mr. Les Abend, tenant on the field for about 28 years and a pilot and never once stopped for a drink before flying an airplane and neither do most other pilots. Mr. Abend commented that a restaurant on the airport field would bring in business and good for the airport. Mr. Ken Perrino at Westconn and as a pilot we have a tremendous investment in getting our licenses and the airplanes that we own we are jeopardizing and don't see that a restaurant with a liquor license would seem to be a problem. Chairman Ashkar stated he believes there is a regulation that you are not supposed to have a restaurant on the airport that serves alcohol. He also stated he didn't want to have pilots making the decision easier to have a drink then fly. Commissioner Oppermann stated just about every airport around us has liquor serving restaurants. Mr. Bob King stated in the Airport's Master Plan a restaurant was planned; Mr. Estefan stated the last administration killed that plan.

**Motion was made to close public speaking by Commissioner Oppermann, seconded by Commissioner Zilinek, and unanimously approved.**

## **Old Business**

### *Danbury Aviation, Proposed Hangar Project/Lease*

Mr. Estefan advised the city council met and tabled the issue because we need to determine the ASOS impact on the field. We need to determine if the FAA would allow us to move the ASOS so the T-hangars can be built. Mr. Estefan also advised that Mr. Silvestro submittal was approved twice by the FAA and the third time the FAA recided their approval as the ASOS is too close to the proposed buildings. Mr. Silvestro stated we might be able to move part of the ASOS at a cost of \$25,000 by the FAA.

## **New Business**

### *DXR Holdings, LLC, request to broaden restrictions on original deed dated December 28, 1948, copy attached.*

Attorney Robin Kahn, representing Westconn Aviation, requested the Commission to release the deed restrictions to allow a restaurant. We submitted a request to the City Council and they referred this back for a report to the Commission, the Airport Administrator, and the Planning Commission. We are asking for a positive report in favor of the release of the restrictions so we may report back to the City Council. After research we found there are 31 airports near Danbury that serve alcohol at restaurants. We believe a restaurant would be a great benefit to the Airport and the city. Attorney Kahn stated she spoke with Gail Lattrell from the FAA about possible jeopardy between the City and the grant assurances who would look into it and let us know. Commissioner Oppermann stated the security for the proposed site of the restaurant looks intact and I don't see why this project should not be done. Attorney Kahn pointed out that Westconn is not only looking for approval of the restaurant but to lift all the deed restrictions. Mr. Estefan advised that Westconn is a "thru the fence" operation which the FAA doesn't like and if this project compromises the airport to receive grant money I will not support this project. Chairman Ashkar asked if Westconn was comfortable with just giving a favorable report for an alcohol serving restaurant, in which Westconn replied yes.

**Motion was made by Commissioner Oppermann that the request to broaden the restrictions on the original deed dated December 28, 1948, be broaden to incorporate a full use restaurant with a liquor license, subject to FAA review and comment, seconded by Commissioner Zilinek, and unanimously approved.**

### *Business Aircraft Center, request to lease additional 150'x150' piece of land adjacent to current ramp space, letter attached.*

Chairman Ashkar asked Mr. Silvestro if he was going to blacktop the area which is adjacent to the city property that you already lease. Mr. Estefan advised that BAC does not lease this area. Mr. Estefan advised that this proposal be sent to the Airport Planners and then discuss a lease to BAC.

**Motion made by Commissioner Oppermann of the request for Business Aircraft Center to lease additional 150'x150' piece of land adjacent to current ramp space be tabled pending Mr. Estefan requesting information from the Airport Planners and the FAA, seconded by Commissioner Zilinek, and unanimously approved.**

**Motion made to adjourn by Commissioner Zilinek, seconded by Commissioner Oppermann,, and unanimously approved.**

**Ald**

DXR Commission Liason Report, Oct. 16, 2012

To: Danbury Aviation Commission Members.

On April 27, 2012 I had the opportunity to visit what was the Sadler Aviation facility. I am pleased to report that the current occupants have improved the area and continue to do so. Mr. Bernard Paquette showed me the US Flight facility and explained the plan for additional improvements. I briefly met with Chris Orifici, who said that all was well. That is always good to hear.

On May 3, 2012 I visited the Business Air Center and Danbury Aviation facilities. Mr. Gus Gettas of Curtiss Aero was kind enough to take the time from his busy schedule to show me around. It is encouraging to see the positive progress that is made in all quarters. Aircraft are finally being tied down / parked on the area previously used for police skid driving practices. I believe this is creating more revenue for the City of Danbury.

Alan Speakmaster of Master Aviation was quite involved in the business of the day but was able to indicate that all was going well. The hangar appeared full of aircraft undergoing various maintenance practices.

I visited with Rob Zohn whose new business is Flight Investments, Inc. located in the Business Aircraft Center complex. Rob operates a Cessna 172 for his own pleasure from Danbury Airport. He would like to see the visual approach slope indication system for runway 8 that we looked forward to after the trees in the approach area were reduced in size. Has any positive movement been made to repairing the DME and getting a WAAS approach?

As soon as it all sorts our I request an update accurate assessment as to the Aviation facilities and their principals / managers, addresses and telephone numbers, from Mr. Estafan.

On Sep. 27, 2012 I stopped at Westconn Aviation and happened to meet Chris Orifici. I was favorably impressed with the progress and scope of the construction that is in progress. Chris described in detail his request of the Danbury Airport Commission to approve relaxing the deed restriction imposed when the property was purchased by Clifford Sadler 12-29-1948. After due discussion I expect the Aviation Commission will acquiesce to his request.

Very truly



Thomas Oppermann, Danbury Aviation Commissioner.



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*

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) 797-6624

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. BOWMAN  
IRVING J. KERN  
STEWART J. EDELSTEIN  
NEIL R. MAJACUS  
G. KENNETH BERNHARD  
DAVID L. CROCCINS  
CRETA E. 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 E. FRAGIC  
PATRICIA C. SULLIVAN  
VINCENT M. MARINO  
JULIE D. KOHLER  
ARI J. HOFFMAN  
COURTNEY A. GEORGE  
BARBARA M. SCHELLENBERG  
RACHEL A. FENCU  
GARY E. PHILAM  
JANE L. HARRISS  
JASON A. BUCHSBAUM  
L. JOVELLE DEFELICE  
LAUREN G. WALTERS  
DAVID M. MORDEAN  
MARCIA M. ESCOBEDO  
DAVID DORIN  
NATHAN C. ZEZULA  
PHILIP C. PIRES  
ELIZABETH A. ULLMAN  
ROBYN H. DRUCKER  
RACHEL A. SCHWARTZMAN

SPECIAL COUNSEL  
MATTHEW C. SUBMAN

OF COUNSEL  
MARTIN J. ALBERT  
PETER A. ANFURI  
LEONARD C. BLUM  
ANN L. FOWLER-CRUZ  
THEMIS KLARIDES  
ROSAFOND A. KOETNER  
BRUCE L. LEVIN  
JACK E. MCGREGOR  
ALLAN J. ROSEN  
MARTIN R. WOLF

ROBIN A. KAHN, ESQ  
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) 298-4066  
FAX: (203) 298-4068

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

# In all People to All Whom these Presents shall Come Concerning

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 hereunto by CHARLES T. SWANNEY, CHARLES J. TROGGIANO and ARTHUR MARTAGLIA, its Board of Selectmen, duly authorized by a vote of a Town Meeting dated December 28, 1928,

for the consideration of ONE DOLLAR (\$1.00) and other valuable considerations, received to the satisfaction of CHARLES T. SWANNEY, for the said Danbury,

do give, grant, bargain, sell and convey unto the said CHARLES T. SWANNEY,

A certain piece of land, more or less, situated in said Danbury, and described as follows:

Commencing at a point of commencement at the corner northerly end of Wallingford Road, thence running southerly 52°23' West 62.12 ft. thence running northerly 31°12' West 100.49 ft. thence running northerly 58°24' East 140.10 ft. thence running southerly 85°21' East 45.48 ft. thence running southerly 22°01' East 67 ft. thence running southerly 88°04' West 107.07 ft. thence along Wallingford Road northerly 42°15' West 95.80 ft. thence running southerly 52°23' West 49.10 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 John S. Smith and northerly by other land of the grantor and Wallingford Road, and a certain parcel of land hereby made to same person as if said showing appears to be conveyed and leased by the Town of Danbury to Charles T. Swanney, at Danbury Airport, said map conveyed by said Swanney, C.T. and T.S., dated November 30, 1928.

The grantor herein covenants and agrees by the acceptance hereof for himself, his heirs, executors, administrators and assigns, that the parcel of land hereunto described shall be used solely for the following purposes, the sale of airplanes, airplane parts and auto-planes and airplane engines, the repair and overhauling of said airplanes and airplane engines, and the manufacture of airplane parts, and this covenant shall be construed as a covenant running with the land.

The grantor herein covenants and agrees by the acceptance hereof for himself, his heirs, executors, administrators and assigns, that no building or construction of any kind will be erected 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.



(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

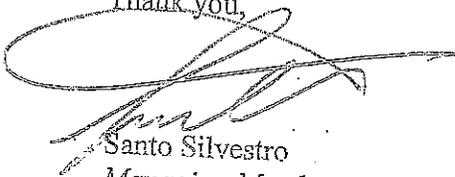
Mr. Estefan,

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,



Santo Silvestro  
*Managing Member, Business Aircraft Center*

