

**SALEM ZONING BOARD OF APPEALS  
SPECIAL MEETING  
August 2, 2010**

Present: Balavender, G., Alt.  
Bernier, J.  
Cole-Chu, L.  
Crisanti, S. Alt.  
Kozlowski, S., Alt.  
Mullin, M.

Absent: Bellandese, K.  
Nortz, R.

Guests: A. & S. Falcone and J. Tesauro

**CALL TO ORDER:**

L. Cole-Chu, chair, called the meeting to order at 7:39 pm.

**PLEDGE OF ALLEGIANCE:**

**SEATING OF ALTERNATE(S):**

The chairman stated that since this Special Meeting is a continuance of the Public Hearing for application #10-5 of S. Falcone which began on 7/22/10, S. Kozlowski and S. Crisanti remain seated for K. Bellandese and R. Nortz, respectively.

Though not seated or voting at this meeting, the record reflects that G. Balavender reviewed the recording of the 7/22/10 portion of the Falcone (#10-5) public hearing.

**PUBLIC HEARING(S): (continued from 7/22/10)**

- 1) #10-05 S. Falcone, 8 Alexander Road, Salem CT 06420  
Request for a variance of Section 4.4.1 of the Salem Zoning Regulations (Rear Yard MINIMUM SETBACK) from the required fifty (50) feet to thirty-five (35) feet for expansion of a single family home.  
Assessor's Map #10; Lot #16-10 8 Alexander Road

Legal Notices read on 7/22/10.

All Certificates of Mail previously received as per the Regulations.

The chair had received information in regard to the American Disabilities Act (ADA), which pertained to handicapped accessibility in relation to variances from a Zoning Board of Appeals, which the Board reviewed.

S. Kozlowski:

Had also investigated the ADA in regard to this matter and read the following from *The Americans with Disabilities Act, Title II Technical Assistance Manual, Covering State and Local Government Programs and Services, Section II-3.6000 Reasonable modifications:*

**"II-3.6100 General:**

*A public entity must reasonably modify its policies, practices, or procedures to avoid discrimination. If the public entity can demonstrate, however, that the modifications would fundamentally alter the nature of its service, program, or activity, it is not required to make the modification.*

**ILLUSTRATION 1:**

*A municipal zoning ordinance requires a setback of 12 feet from the curb in the central business district. In order to install a ramp to the front entrance of a pharmacy, the owner must encroach on the set-back by three feet. Granting a variance in the zoning requirement may be a reasonable modification of town policy."*

S. Falcone, applicant:

Stated that her uncle, John Tesauro, who will be living with them and for whom the handicapped bedroom and bathroom will be built, was present.

Her father, Dominick Tesauro, John's brother, is his guardian and John has been living with her father and mother, but, due to health problems, they cannot take care of him any longer.

She submitted the Probate Certificate (copy made for the file) showing that her father is the conservator of the estate and person of John Tesauro.

M/S/C (Crisanti/Mullin) to close the public hearing for the following application:

#10-05

S. Falcone, 8 Alexander Road, Salem CT 06420

Request for a variance of Section 4.4.1 of the Salem Zoning Regulations (Rear Yard MINIMUM SETBACK) from the required fifty (50) feet to thirty-five (35) feet for expansion of a single family home.

Assessor's Map #10; Lot #16-10

8 Alexander Road

Vote: For approval - Bernier, Cole-Chu, Crisanti, Kozlowski. For denial - Mullin. Abstaining - no one.

MOTION CARRIED.

