

VILLAGE OF HASTINGS-ON-HUDSON, NEW YORK
BOARD OF TRUSTEES
PUBLIC HEARING
FEBRUARY 16, 2016

A Public Hearing was held by the Board of Trustees on Tuesday, February 16, 2016 at 7:31 p.m. in the Meeting Room, Municipal Building, 7 Maple Avenue.

PRESENT: Mayor Peter Swiderski, Trustee Meg Walker, Trustee Daniel Lemons, Village Manager Francis A. Frobels, Village Attorney Linda Whitehead, and Village Clerk Susan Maggiotto

ABSENT: Trustee Marjorie Apel, Trustee Nicola Armacost

CITIZENS: Twenty-five (25).

Mayor Swiderski declared the Board in session for the purpose of conducting a Public Hearing in accordance with the legal notice that appeared in the January 26, 2016 issue of *The Rivertowns Enterprise* to consider the advisability of adopting Proposed Local Law A of 2016 amending Article IX Parking, Standing and Stopping of Chapter 282 Vehicles and Traffic of the Code of the Village of Hastings-on-Hudson, Section 282-25.A to add new subsection (95) for no parking across from driveway at 35 Floral Drive.

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

SECTION 1. Section 282-25.A of the Code of the Village of Hastings-on-Hudson is hereby amended to add new subsection (95) as follows:

§282-25.A(95) No parking on the east side of Floral Drive across from the driveway at 35 Floral Drive for a distance extending 10 feet in each direction from the corners of the driveway.

SECTION 2. SEVERABILITY

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

SECTION 3. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Mayor Swiderski: Would anyone like to approach the mic?

Randy Paradise, 35 Floral Drive: At the heart of this request is a medical issue. On January 15, 2015 my wife, Jane Turkel, was returning home through Dobbs Ferry. She was driving southbound on Scenic Drive. As she approached the intersection at Maplewood, an Infiniti SUV weighing nearly three tons came around the corner without stopping. It struck her car, pushing it backwards and sideways until it finally came to rest partially on the lawn of one of the houses on Scenic Drive. The first photo of your packet was taken immediately after that accident. Jane had been sitting in that driver's seat. Among her injuries were injuries to her lower back, upper back, cervical vertebrae, shoulders and right hip. One result of the back and neck injuries was greatly reduced range of motion without a lot of pain. Jane immediately began physical therapy for her injuries, and that continued through the summer.

Beginning on August 5, following a dispute that I had had with my neighbor, my neighbor began parking one of his cars directly opposite our driveway. Beginning on September 3 he began parking both of his cars directly opposite our driveway. The second photo shows our situation as it is now. Floral Drive is a pretty narrow street. It is barely two cars wide as it is. In fact, if two cars park opposite each other that street is impassable, and when there is snow on the ground is basically a one-lane road. What this means is that in order to exit our driveway now it can no longer be done just with mirrors. We are required to turn all the way around to make sure the rear corners of our car are not making contact with one of the cars parked opposite our driveway. The last thing I would want to do is cause any kind of an accident. Now, what this means for Jane is she is forced to twist her back and neck past the point where a lot of pain occurs. This happens every time she has to leave the house. The third photo illustrates the situation at night when it is even more difficult to avoid an accident, one of the two cars being black and almost invisible there.

A couple of weeks into August Jane became complaining of increased pain. That pain worsened significantly into September, until finally, nine months after the accident, for the very first time Jane had to go for the first of what became a series of TPI injections. TPI stands for trigger point injections. This is where pain medication is injected directly into the point where the pain is occurring. The first injection took place on September 14 in her lower back, the second injection October 27, also on her lower back. The pain continued into the new year. The third injection had to take place on January 18, in her lower back, and she went back the following day for a fourth set of injections into her neck and upper back. This is now Jane's life. I am sure before you is the question, obviously, did we try to resolve this before coming to the Board for a remedy. The answer is yes, I did.

On October 17, although I had been told on a couple of occasions that he no longer wished to speak with me, my neighbor did come across the street to talk to me. During that

conversation I specifically said that parking his cars opposite our driveway was setting back Jane's recovery from her car accident, causing additional pain in her neck and back. I also said that I did not think it was his intention to ever cause anyone physical harm when he started doing this, but now he knew he was actually hurting someone, would he please move his cars from opposite our driveway. His response, and there is much else he had to say, boiled down to three sentences. The first thing he had to say, immediately after my asking him to move his cars, was I am not hurting anybody, thereby absolving himself from any responsibility for his actions or their consequences.

The second thing he had to say to me was you bring all this on yourself, in reference I think to the dispute we had had. The final thing he had to say before he turned and walked away was those cars are not going anywhere. And true to his word, they have been there ever since. That brings us to the remedy that we seek before the Board tonight. Because of Jane's medical condition, which we can clearly document, what we are asking tonight is, in many ways no different from seeking a handicapped parking space, only instead of a place to park that would alleviate Jane's pain, since we have a place to park, what we are seeking is pain-free access to the public street. This remedy is very narrowly tailored; it would cause no inconvenience to any other residents on Floral Drive. Every single home on Floral Drive has a driveway, and every home except one has a garage. So there is ample off-street parking on Floral Drive for anyone who lives there, plus every house has more than enough frontage in front of their own home to park one or more cars.

The fourth and final photo in your packet in fact shows the frontage of my neighbor across the street. On the far left side of that photograph you will see the beginning of a white gravel driveway, and next to that, ample frontage along the curb to be able to park a car which would not impinge upon Jane's being able to bring it out of the driveway. In fact, there is also curb space on the opposite side of that driveway that does not even fit in that photo, which is where my neighbor used to park his car up until last August. Perhaps the best proof of the fact that this would not inconvenience anyone on the street is the fact that there was no need for this remedy all through Jane's recovery through the summer because no one else was parking in an area anywhere near where it would impinge on her ability to move the car out of the driveway.

The last concern that the Board might have is what kind of precedent might you be setting here. But I believe that Jane's medical condition covers that concern. Jane is on file with the Village as requiring a permanent handicapped placard. I believe the only precedent you would be setting would be one that combined two separate circumstances. The first would be an injury similar to Jane's, and the second would be behavior by someone that refuses to change in order to ease that pain. I believe those two circumstances combined would be extremely rare here within the Village. I thank the Board for its time.

Mark Feaster, 40 Floral Drive: I am the neighbor across the street. It was never brought to my attention that parking there was in any way illegal or a problem for anyone. I never received any notification from anyone so I continue to park there. I think passing a law for one individual is wrong. It will clearly open up a host of things for the Village that will inundate you with petitions to do this pass and do that pass. I do not think that is fair for you to do.

What I am willing to do is let this go, go back to where I was, not park across the street anymore and, hopefully, this dispute will fizzle out. I am a little nervous. I have had 13 years of living across the street from the Paradises. I am not the only homeowner on that street that had issues with these people on a various host of things. And I am really hoping that in six months from now something else does not arise, but they just cannot seem to leave me alone for things that ...

Mayor Swiderski: If you could just focus on the issue at hand, thanks.

Mr. Feister: What I am willing to do is stop parking there, go back to the way it was. And I am asking the Board not to write a law specifically for one individual, because when the word gets out, and it will, then I think everybody is going to have an issue and just inundate you with petitions. That is it, thank you.

Danielle Goodman, 445 Warburton Avenue: I own a garage on Ridge Street, and I am sure that our property crosses right through from Warburton to Ridge. I have a garage I cannot park in because Ridge Street is very narrow and probably narrower than Floral Drive. The reason I cannot park in it is because of the cars that are parked across from my garage. I have a tenant who can park in the garage because he was a valet parker and assures me he could park anywhere at any time, on a dime. And I am sure he could, but I cannot. What concerns me about this law is I had no idea, by reading it, that there was a medical issue. I do not think the law should be changed based on limited facts. And if you do change it, then there should be something written here about a medical reason. My point is this. Parking is so limited in certain parts of the Village that you will set a precedent if the law goes through as worded because I do not see anything here about a medical issue. Like we did with the leaf blower law, we had a medical issue exception, and I think you should go back to the drawing board or people like me will line up and say I cannot, come down, take a look, I cannot get my car in or out of my garage so I take up an extra space on Warburton. When I saw this, I said there will be a stampede to your door. I totally sympathize with the situation, I totally understand neighbors not getting along, but I think there should be some sort of exception written in regarding medical issues which will assist the Board or the Village Manager with the leaf blower law, someone had to come in and present a certificate from a doctor. I think that is the better course.

BOARD OF TRUSTEES
PUBLIC HEARING
FEBRUARY 16, 2016
Page - 5 -

Hearing no further comment, Mayor Swiderski asked for a motion to close the Public Hearing.

CLOSE OF PUBLIC HEARING

On MOTION of Trustee Walker, SECONDED by Trustee Lemons with a voice vote of all in favor, Mayor Swiderski closed the Public Hearing at 7:47 p.m.