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# Transcript of Administrative Hearing, Day 2

**Date:** April 29, 2019  
**Case:** Natasha N. Romano

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Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

1 (1 to 4)

1	1	1	3
2	OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS	2	A P P E A R A N C E S
3	FOR MONTGOMERY COUNTY, MARYLAND	3	FOR MONTGOMERY ZONING BOARD:
4	-----:	4	LYNN A. ROBESON, HEARING EXAMINER
5	NATASHA M. ROMANO, : Case No. CU 19-06	5	ON BEHALF OF APPLICANT NATASHA M. ROMANO:
6	Applicant. : -----x	6	BENJAMIN A. KLOPMAN, ESQ.
7	HEARING - DAY 2	7	BENJAMIN A. KLOPMAN, CHTD.
8	Before Hearing Examiner	8	216 North Adams St
9	LYNN ROBERSON	9	Rockville, MD 20850
10	Rockville, Maryland	10	Phone: 301.424.06
11	Wednesday, April 29, 2019	11	
12	9:35 a.m.	12	ON BEHALF OF THE HUBER AND CHALKI FAMILIES:
13		13	WILLIAM J. CHEN, JR., ESQ.
14		14	THE LAW OFFICE OF WILLIAM J. CHEN, JR., LLC
15		15	200A Monroe Street, Suite 300
16		16	Rockville, MD 20850
17		17	Phone: 301.279.950
18		18	
19		19	WITNESSES ALSO PRESENT:
20		20	Desrene Sesay, Deena Klopman, Paul J. Yanoshik,
21		21	Sandra Thomas, Lesley MacDonald, Elizabeth Carol
22		22	Woodhouse, Jean Marie Huber, Lauren Huber, Craig
23	Job: 242265	23	Huber, Ronald L. Daniellan
24	Pages: 1 - 365	24	
25	Transcribed by: Molly Bugher	25	
2	2	4	4
1	ADMINISTRATIVE HEARING held at the offices of:	1	C O N T E N T S
2	THE MONTGOMERY COUNTY OFFICE OF ZONING	2	PAGE
3	AND ADMINISTRATIVE HEARINGS	3	Transcript of the proceedings 5
4	100 Maryland Avenue	4	
5	County Office Building, Room 200	5	
6	Rockville, MD 20850	6	
7	Phone: 240.777.6660.	7	
8		8	
9		9	
10	Pursuant to agreement, before Joseph Velasquez, Notary	10	
11	Public in and for the State of Maryland.	11	
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Conducted on April 29, 2019

2 (5 to 8)

<p>5</p> <p>1 PROCEEDINGS</p> <p>2 HEARING EXAMINER ROBESON: Good morning.</p> <p>3 MR. CHEN: Good morning, Your Honor.</p> <p>4 HEARING EXAMINER ROBESON: You don't have to say</p> <p>5 Your Honor. Is the court reporter ready?</p> <p>6 COURT REPORTER: Yes, ma'am.</p> <p>7 HEARING EXAMINER ROBESON: Okay. I'm calling the</p> <p>8 case of CU-1906, the application of Natasha Romano, DBA</p> <p>9 Warrior One Studio for a major home occupation at 12632</p> <p>10 Falconbridge Drive, North Bethesda, Maryland. Will the</p> <p>11 parties please identify themselves for the record?</p> <p>12 MR. KLOPMAN: Good morning again. My name is Ben</p> <p>13 Klopman. I represent Natasha Romano who is sitting here to</p> <p>14 my right.</p> <p>15 HEARING EXAMINER ROBESON: Okay.</p> <p>16 MR. CHEN: Good morning, Your Honor. Good</p> <p>17 morning, Madam Examiner. My name is Bill Chen. I'm legal</p> <p>18 counsel for Jean and Craig Huber and for Elizabeth Woodhouse</p> <p>19 and Rodrigo Chuaqui.</p> <p>20 HEARING EXAMINER ROBESON: Okay. Before I get --</p> <p>21 ask you for any -- there are some seats over here too.</p> <p>22 Before I ask you for any preliminary matters, I just want to</p> <p>23 say I have been reassigned to the case because the former</p> <p>24 Hearing Examiner, Lex Prager, has a very serious illness in</p> <p>25 his family. I did want to -- I have reviewed everything in</p>	<p>7</p> <p>1 already said it. There is a seat over here if you need it.</p> <p>2 Okay. So with that, are there any preliminary matters from</p> <p>3 the parties?</p> <p>4 MR. KLOPMAN: No, Your Honor. Not from the</p> <p>5 Applicant.</p> <p>6 HEARING EXAMINER ROBESON: Mr. -- I knew it. I</p> <p>7 knew you would have one. Go ahead.</p> <p>8 MR. CHEN: Thank you, Madam Examiner. My</p> <p>9 preliminary comment goes literally directly to what you just</p> <p>10 said. This matter was originally scheduled for at the most,</p> <p>11 one day of hearing. And the first day of hearing we went</p> <p>12 all day. And Mr. Prager was very patient, and I thought he</p> <p>13 was pretty much on the mark on considering the evidence and</p> <p>14 the testimony. By my count, the Applicant has got five more</p> <p>15 witnesses, plus an expert. I could be mistaken on that, but</p> <p>16 that sounds about right given what we had heard previously</p> <p>17 of the intended witnesses on behalf of the Applicant. I</p> <p>18 have not changed the number of witnesses that my clients are</p> <p>19 prepared to present. But my concern is finishing. If at</p> <p>20 all possible, we want to finish today.</p> <p>21 HEARING EXAMINER ROBESON: How many witnesses do</p> <p>22 you propose?</p> <p>23 MR. CHEN: It would be one, two -- six.</p> <p>24 HEARING EXAMINER ROBESON: Six.</p> <p>25 MR. CHEN: It would be Mr. and Mrs. Huber, Ms.</p>
<p>6</p> <p>1 the file. I have read the transcript. I did note that the</p> <p>2 Hearing Examiner was going to recall Ms. Romano to ask her</p> <p>3 questions. Since I don't know what the questions are, I</p> <p>4 have no reason to do that. And I did want to say, looking</p> <p>5 from some of the exhibits, we are getting a lot of exhibits</p> <p>6 noting who is in support and who is in favor. And the law</p> <p>7 is that zoning is not a plebiscite. So even if they are 100</p> <p>8 percent in favor and no one is opposed, I have to base my</p> <p>9 decision on the standards of the zoning -- in the zoning</p> <p>10 ordinance rather than the number of people that support or</p> <p>11 oppose an application. So I really don't need to get into</p> <p>12 who supports and who is opposed. We keep getting updated</p> <p>13 lists of people who are in support, but a lot of those lists</p> <p>14 contain the same people that have already supported -- we</p> <p>15 already have letters in the file. So I'm just saying, there</p> <p>16 is no need to document in the record how many people support</p> <p>17 or oppose the application. And the last thing is, we really</p> <p>18 need to finish this. And I will say, after reading some of</p> <p>19 the testimony, that I'm permitted to exclude repetitive or</p> <p>20 irrelevant testimony. So if you -- please think well if</p> <p>21 somebody has already testified because I want to get as many</p> <p>22 people who are going to address the zoning ordinance</p> <p>23 standards; that's what I want to hear, with all due respect.</p> <p>24 So please think carefully about whether you really need to</p> <p>25 testify and whether what you've said is -- somebody else has</p>	<p>8</p> <p>1 Woodhouse, Mr. Davis, and Mr. Daniellan, and Lauren Huber,</p> <p>2 who is the daughter of Mr. and Mrs. Huber.</p> <p>3 HEARING EXAMINER ROBESON: Okay. Mr. Klopman,</p> <p>4 how many witnesses do you plan to have?</p> <p>5 MR. KLOPMAN: Well, I --</p> <p>6 HEARING EXAMINER ROBESON: Please think</p> <p>7 carefully.</p> <p>8 MR. KLOPMAN: I have given this some thought,</p> <p>9 Your Honor. I had planned to present two additional fact</p> <p>10 witnesses from Fox Hills North. And they were going to</p> <p>11 testify, I will make a proffer as to their attendance of the</p> <p>12 classes for the application -- since the application was</p> <p>13 filed, and the impact on the neighborhood. Those two</p> <p>14 witnesses and Mr. Yanoshik were my witnesses. There is one</p> <p>15 other woman who is going to -- she wants to talk about</p> <p>16 businesses, home businesses. That's my case, Your Honor.</p> <p>17 HEARING EXAMINER ROBESON: Well, home businesses,</p> <p>18 that doesn't really address my criteria. So --</p> <p>19 MR. KLOPMAN: Well, she -- she wants to be heard.</p> <p>20 She has -- her name is Sandra Thomas; is she here? She</p> <p>21 wants to be --</p> <p>22 UNIDENTIFIED SPEAKER: She's on her way.</p> <p>23 MR. KLOPMAN: She's in support. She is going</p> <p>24 to -- voluntary wants to make a few statements.</p> <p>25 HEARING EXAMINER ROBESON: Well, I will listen</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

3 (9 to 12)

<p style="text-align: right;">9</p> <p>1 briefly.</p> <p>2 MR. KLOPMAN: Okay. And then you can --</p> <p>3 HEARING EXAMINER ROBESON: But I really do -- I</p> <p>4 need to make sure I hear from the people that address what I</p> <p>5 need to address. So I did notice a woman said she was going</p> <p>6 to her congressman because this doesn't -- one of the</p> <p>7 support letters, because this doesn't support home-based</p> <p>8 businesses. Whether somebody goes to their congressman or</p> <p>9 not, I have to apply the law, and that's what we will do.</p> <p>10 MR. KLOPMAN: I don't know anything about that.</p> <p>11 HEARING EXAMINER ROBESON: Yeah. It's in one of</p> <p>12 the letters you submitted. So I will let her speak briefly</p> <p>13 if she has anything. So you have one real estate expert, as</p> <p>14 I understand it; Mr. Yanovich (sic).</p> <p>15 MR. KLOPMAN: Yanoshik, and it's brief.</p> <p>16 HEARING EXAMINER ROBESON: Yanoshik.</p> <p>17 MR. KLOPMAN: And is not very long either.</p> <p>18 HEARING EXAMINER ROBESON: Okay. Let's get to --</p> <p>19 MR. KLOPMAN: He's here.</p> <p>20 HEARING EXAMINER ROBESON: Okay. Let's get to</p> <p>21 the real estate. What I will do is this. I'm going to take</p> <p>22 his real estate expert. What does the proffer -- not the</p> <p>23 woman in support of business, but what does the other fact</p> <p>24 witness have to say?</p> <p>25 MR. KLOPMAN: There is two fact witnesses. Just</p>	<p style="text-align: right;">11</p> <p>1 did see it already in the record. There is quite a bit of</p> <p>2 testimony on the home studio versus the -- you know, a</p> <p>3 commercial gym. So I think that's covered already.</p> <p>4 MR. KLOPMAN: Okay.</p> <p>5 HEARING EXAMINER ROBESON: So let's -- Mr. Chen,</p> <p>6 I would like to take his expert witness because he is going</p> <p>7 to say something relevant to my standards, the standards</p> <p>8 that I have to apply. If your other two fact witnesses are</p> <p>9 here, we can take them briefly if they can confine</p> <p>10 themselves to the criteria that's in front of me. All</p> <p>11 right?</p> <p>12 MR. KLOPMAN: I will -- what I will try to --</p> <p>13 what I will elicit from these witnesses is the impact on the</p> <p>14 neighborhood.</p> <p>15 HEARING EXAMINER ROBESON: That's what I want to</p> <p>16 hear.</p> <p>17 MR. KLOPMAN: Okay.</p> <p>18 HEARING EXAMINER ROBESON: Thank you.</p> <p>19 MR. KLOPMAN: Can I take those -- the fact</p> <p>20 witnesses first quickly? And then is not going to be that</p> <p>21 long. And then take Mr. Yanoshik after that?</p> <p>22 HEARING EXAMINER ROBESON: I don't -- if they are</p> <p>23 not that long. I would like to get through your case.</p> <p>24 MR. KLOPMAN: I agree with Your honor.</p> <p>25 HEARING EXAMINER ROBESON: Yeah.</p>
<p style="text-align: right;">10</p> <p>1 to understand my thinking, at the hearing on March 4th,</p> <p>2 there was a question about people in the neighborhood</p> <p>3 testifying. And I have two witnesses who live in the</p> <p>4 neighborhood that go to yoga classes and have gone to the</p> <p>5 yoga classes for a significant amount of time. And they can</p> <p>6 testify, or they will testify about their attendance at the</p> <p>7 yoga classes, how they got there, the parking, the streets</p> <p>8 not being heavily trafficked or parked on, and the</p> <p>9 therapeutic benefits of the --</p> <p>10 HEARING EXAMINER ROBESON: Well, I don't need</p> <p>11 the -- this is not a referendum on yoga. The therapeutic</p> <p>12 benefits, while I understand them, are not what I have to</p> <p>13 decide. So I'm not going to hear testimony on the</p> <p>14 therapeutic benefits of yoga.</p> <p>15 MR. KLOPMAN: It wasn't about yoga. It's about</p> <p>16 the home studio as opposed to being somewhere else.</p> <p>17 HEARING EXAMINER ROBESON: That's not my concern.</p> <p>18 MR. KLOPMAN: I understand.</p> <p>19 HEARING EXAMINER ROBESON: I'm not trying to</p> <p>20 be -- cut you off or be harsh. I just need to manage this</p> <p>21 case --</p> <p>22 MR. KLOPMAN: I understand, Your Honor.</p> <p>23 HEARING EXAMINER ROBESON: So we get everybody</p> <p>24 that has pertinent information to do that. So I'm not going</p> <p>25 to take a lot of testimony on the home studio versus -- I</p>	<p style="text-align: right;">12</p> <p>1 MR. KLOPMAN: I want to get to my case as quickly</p> <p>2 as we can. Believe me I (inaudible).</p> <p>3 HEARING EXAMINER ROBESON: I'm not trying to rush</p> <p>4 you, but I really do have to manage the hearing.</p> <p>5 MR. KLOPMAN: Okay.</p> <p>6 MR. CHEN: Just one other point on that, is Mr.</p> <p>7 Klopman has said he wants rebuttal. So I want to get</p> <p>8 started to tweak myself and get it done, hopefully today.</p> <p>9 HEARING EXAMINER ROBESON: Okay. So --</p> <p>10 MR. CHEN: But in your analysis or think you</p> <p>11 board, we are hoping also to get through Mr. Klopman --</p> <p>12 HEARING EXAMINER ROBESON: Rebuttal, okay. Well,</p> <p>13 we may have to stay. This hearing started a half-hour later</p> <p>14 than typical. If you're willing to stay a little after</p> <p>15 5:00, I'm ready to be flexible on how long we go.</p> <p>16 MR. KLOPMAN: I can tell you my clients are</p> <p>17 prepared to stay here today to get it done today regardless</p> <p>18 of the time.</p> <p>19 HEARING EXAMINER ROBESON: Okay.</p> <p>20 MR. KLOPMAN: As long as the Examiner is</p> <p>21 willing --</p> <p>22 MR. CHEN: We are too, Your Honor.</p> <p>23 HEARING EXAMINER ROBESON: Okay. Is the Court</p> <p>24 Reporter? No, you -- say, yes. He is nodding in the</p> <p>25 affirmative, for the record.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

4 (13 to 16)

<p>13</p> <p>1 MR. KLOPMAN: Okay. Great. Great.</p> <p>2 HEARING EXAMINER ROBESON: Mr. Klopman, why don't</p> <p>3 you bring up your first -- is it two witnesses?</p> <p>4 MR. KLOPMAN: It's two witnesses. Maybe --</p> <p>5 HEARING EXAMINER ROBESON: Why don't you bring up</p> <p>6 your --</p> <p>7 MR. KLOPMAN: Maybe one depending on -- Desrene?</p> <p>8 MS. SESAY: Yes.</p> <p>9 MR. KLOPMAN: Where is the -- over -- over there?</p> <p>10 HEARING EXAMINER ROBESON: Where's our witness</p> <p>11 chair? Oh, right -- she can sit right there.</p> <p>12 MS. SESAY: Okay.</p> <p>13 MR. KLOPMAN: Oh, right in the middle?</p> <p>14 HEARING EXAMINER ROBESON: Well, it's not -- go</p> <p>15 with it. We are informal. I don't want to rearrange the</p> <p>16 chairs.</p> <p>17 MR. KLOPMAN: If I may real quick? If at all</p> <p>18 possible, if we could put, after a break for lunch, and</p> <p>19 microphone up on one of these tables to allow witnesses to</p> <p>20 testify from that type of a circumstance, that would be,</p> <p>21 candidly, preferable.</p> <p>22 HEARING EXAMINER ROBESON: Okay. I think</p> <p>23 somebody took the chair into the audience. So that's fine.</p> <p>24 MR. KLOPMAN: Yeah.</p> <p>25 HEARING EXAMINER ROBESON: And we can do that.</p>	<p>15</p> <p>1 HEARING EXAMINER ROBESON: That's fine. Okay.</p> <p>2 MR. KLOPMAN: Ms. Sesay, you live in Fox Hill</p> <p>3 North subdivision, correct?</p> <p>4 MS. SESAY: Correct.</p> <p>5 MR. KLOPMAN: And how long have you lived there?</p> <p>6 MS. SESAY: Since 2005.</p> <p>7 MR. KLOPMAN: Okay. Do you attend Natasha</p> <p>8 Romano's yoga classes at her home?</p> <p>9 MS. SESAY: Yes, I do.</p> <p>10 MR. KLOPMAN: And how long have you attended</p> <p>11 those classes?</p> <p>12 MS. SESAY: Over eight years.</p> <p>13 MR. KLOPMAN: Okay. And what classes do you</p> <p>14 attend regularly?</p> <p>15 MS. SESAY: I attend Saturday mornings and Monday</p> <p>16 nights.</p> <p>17 MR. KLOPMAN: Okay. And you attended them</p> <p>18 throughout the last eight years?</p> <p>19 MS. SESAY: I have, yes.</p> <p>20 MR. KLOPMAN: Okay. And how do you get to Ms.</p> <p>21 Romano's home studio?</p> <p>22 MS. SESAY: I drive, and I walk when it's warm.</p> <p>23 MR. KLOPMAN: And this has been submitted. This</p> <p>24 plat has been submitted as 8 and 88. I think it's 88.</p> <p>25 HEARING EXAMINER ROBESON: Oh, so that's -- I saw</p>
<p>14</p> <p>1 Is there a mic? Move the mic up. Would the audience please</p> <p>2 silence your cell phones because they interfere with the</p> <p>3 recording equipment, which is -- it's not projection. It's</p> <p>4 not a projection mic. It's a recording mic.</p> <p>5 MS. SESAY: I see.</p> <p>6 HEARING EXAMINER ROBESON: All right. With that,</p> <p>7 please raise your right hand. Do you solemnly affirm under</p> <p>8 penalties of perjury that the statements were about to make</p> <p>9 on the truth, the whole truth, and nothing but the truth?</p> <p>10 MS. SESAY: Yes.</p> <p>11 HEARING EXAMINER ROBESON: Okay. Please state</p> <p>12 your name and address for the record.</p> <p>13 MS. SESAY: Desrene Sesay, 25 Lloydminster Court.</p> <p>14 HEARING EXAMINER ROBESON: Okay. Please spell</p> <p>15 your last name for the court reporter.</p> <p>16 MS. SESAY: It's S-E-S-A-Y.</p> <p>17 HEARING EXAMINER ROBESON: Okay. Go ahead.</p> <p>18 MR. KLOPMAN: Thank you, Your Honor. Thank you.</p> <p>19 HEARING EXAMINER ROBESON: Oh, she -- I thought</p> <p>20 she was independent. I'm sorry. Go ahead.</p> <p>21 MR. KLOPMAN: Well, I'm going to -- I'm going</p> <p>22 to -- she is independent.</p> <p>23 HEARING EXAMINER ROBESON: Okay. That's --</p> <p>24 MR. KLOPMAN: But I'm going to ask her some</p> <p>25 questions just to move it along.</p>	<p>16</p> <p>1 it. That's a full-scale version?</p> <p>2 MR. KLOPMAN: That's a full-scale version.</p> <p>3 HEARING EXAMINER ROBESON: Okay. Well, you're</p> <p>4 going to have to market as a --</p> <p>5 MR. CHEN: I think the original that was filed is</p> <p>6 Exhibit 88b, lowercase --</p> <p>7 HEARING EXAMINER ROBESON: Is she going to mark</p> <p>8 it for any reason?</p> <p>9 MR. KLOPMAN: No. No, I'm just using it to show</p> <p>10 where she lives.</p> <p>11 HEARING EXAMINER ROBESON: Okay.</p> <p>12 MR. KLOPMAN: I mean, it would just -- if I</p> <p>13 can -- this is -- this is Lloydminster here. And here is</p> <p>14 Falconbridge Terrace.</p> <p>15 HEARING EXAMINER ROBESON: I can't see it. Why</p> <p>16 don't -- okay.</p> <p>17 MR. KLOPMAN: Can you see your house? Can you --</p> <p>18 well, you know what? Can you take a minute and orient</p> <p>19 yourself?</p> <p>20 MS. SESAY: You want me to mark?</p> <p>21 HEARING EXAMINER ROBESON: I --</p> <p>22 MR. KLOPMAN: You want me to put it up here?</p> <p>23 HEARING EXAMINER ROBESON: Put it up on an easel.</p> <p>24 MR. KLOPMAN: Okay.</p> <p>25 HEARING EXAMINER ROBESON: Okay.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

5 (17 to 20)

<p>17</p> <p>1 MR. KLOPMAN: Okay.</p> <p>2 HEARING EXAMINER ROBESON: And turn it a little</p> <p>3 bit this way.</p> <p>4 MR. KLOPMAN: Towards you so you can see it.</p> <p>5 HEARING EXAMINER ROBESON: Perfect. No, you</p> <p>6 don't have to do that. The audience can see it too.</p> <p>7 MR. KLOPMAN: Okay.</p> <p>8 HEARING EXAMINER ROBESON: Okay.</p> <p>9 MR. KLOPMAN: So here's Falconbridge Terrace.</p> <p>10 Here is Natasha's home studio. Here is Lloydminster.</p> <p>11 HEARING EXAMINER ROBESON: When you say here, you</p> <p>12 have to --</p> <p>13 MR. KLOPMAN: I have to point to 88, okay -- on</p> <p>14 the exhibit.</p> <p>15 HEARING EXAMINER ROBESON: No. No, no, no. You</p> <p>16 have to describe for the record.</p> <p>17 MR. KLOPMAN: (inaudible).</p> <p>18 HEARING EXAMINER ROBESON: They don't know what</p> <p>19 here is.</p> <p>20 MR. KLOPMAN: On this --</p> <p>21 HEARING EXAMINER ROBESON: So for the record --</p> <p>22 MR. KLOPMAN: On this plat.</p> <p>23 HEARING EXAMINER ROBESON: On the east -- the</p> <p>24 western side is what?</p> <p>25 MR. KLOPMAN: There, you can see the streets are</p>	<p>19</p> <p>1 All right. Now I want you to tell the Hearing Examiner --</p> <p>2 you said that you attend these classes. And we are talking</p> <p>3 about -- where do you park when you go to classes?</p> <p>4 MS. SESAY: I have parked on Falconbridge Terrace</p> <p>5 in the past along Natasha's home. But in recent years, we</p> <p>6 parked in her driveway.</p> <p>7 MR. KLOPMAN: Okay. And that's -- why is that?</p> <p>8 MS. SESAY: Because Natasha wants to be very sure</p> <p>9 that she complies with neighbors.</p> <p>10 MR. KLOPMAN: Okay. What impact have you</p> <p>11 observed on the neighborhood from these yoga classes?</p> <p>12 MS. SESAY: Well, I've been going over eight</p> <p>13 years and I have not seen any adverse impact. I walked.</p> <p>14 I've driven. Nothing that would make me think that someone</p> <p>15 is in danger, someone is being inconvenienced in any way.</p> <p>16 So I -- I haven't seen any impact at all.</p> <p>17 MR. KLOPMAN: When you go any drive, can you</p> <p>18 describe the conditions you see on Falconbridge Drive in</p> <p>19 terms of cars parked?</p> <p>20 MS. SESAY: I mean, there are cars parked at</p> <p>21 different homes. People have cars parked around. But as</p> <p>22 far as Natasha's home, there isn't anything that would say,</p> <p>23 cause an impact, that would affect a neighbor or the people</p> <p>24 that are attending the studio.</p> <p>25 MR. KLOPMAN: Okay. Since November 2018 when Ms.</p>
<p>18</p> <p>1 marked. One is Lloydminster Drive on the left side of the</p> <p>2 map. And there is Falconbridge Terrace. And as I</p> <p>3 understand it, your address is what again?</p> <p>4 MS. SESAY: 25 Lloydminster Court.</p> <p>5 MR. KLOPMAN: Okay. And that's approximately --</p> <p>6 HEARING EXAMINER ROBESON: Now, wait. Just have</p> <p>7 her go, because you are testifying.</p> <p>8 MR. KLOPMAN: I'm just trying to get through it.</p> <p>9 HEARING EXAMINER ROBESON: I know. I know.</p> <p>10 It's -- but I want to hear from her.</p> <p>11 MR. KLOPMAN: Okay.</p> <p>12 HEARING EXAMINER ROBESON: Where -- Ms. --</p> <p>13 MR. KLOPMAN: Where is your house?</p> <p>14 HEARING EXAMINER ROBESON: Where is your house?</p> <p>15 MS. SESAY: This is Lloydminster Drive, up on the</p> <p>16 Court, and I'm 25.</p> <p>17 HEARING EXAMINER ROBESON: You are lot 25?</p> <p>18 MS. SESAY: Yes.</p> <p>19 HEARING EXAMINER ROBESON: Okay. That's helpful.</p> <p>20 MR. KLOPMAN: And so by your -- Ms. Sesay, how do</p> <p>21 you walk to -- walk to --</p> <p>22 MS. SESAY: I come up my court. I take</p> <p>23 Lloydminster Drive. I take a left on Falconbridge and I</p> <p>24 head to Natasha's house.</p> <p>25 MR. KLOPMAN: Okay. Okay. Thank you, very much.</p>	<p>20</p> <p>1 Natasha -- Romano filed her application, how many students</p> <p>2 are now attending classes?</p> <p>3 MS. SESAY: Five.</p> <p>4 MR. KLOPMAN: Okay. And is it -- what changes</p> <p>5 have been made in the -- Ms. Romano's classes in terms of</p> <p>6 attendance to the system since she has filed the conditional</p> <p>7 use application?</p> <p>8 HEARING EXAMINER ROBESON: Now, we have a lot</p> <p>9 of -- are you getting to the sign-up sheet?</p> <p>10 MR. KLOPMAN: Yes.</p> <p>11 HEARING EXAMINER ROBESON: Can you just really</p> <p>12 quickly describe it? Because we have a lot of testimony on</p> <p>13 that sign-up sheet already.</p> <p>14 MS. SESAY: Okay. There is an online sign-up.</p> <p>15 Maximum now is five students. So when the class is full, it</p> <p>16 says it's full.</p> <p>17 HEARING EXAMINER ROBESON: Okay.</p> <p>18 MS. SESAY: And you can be on the waitlist.</p> <p>19 MR. KLOPMAN: And have you seen people been</p> <p>20 turned away since then?</p> <p>21 MS. SESAY: Yes, and it's very hard to see people</p> <p>22 turned away, yeah.</p> <p>23 MR. KLOPMAN: Have you had any interactions with</p> <p>24 any of the neighbors in eight years that you've been</p> <p>25 attending classes?</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

6 (21 to 24)

<p>21</p> <p>1 MS. SESAY: No. In fact, it was a neighbor who 2 invited me to go to yoga. Yes, I have not had any 3 interaction. 4 MR. KLOPMAN: How long are the classes? 5 MS. SESAY: There usually over an -- a little 6 over an hour. Like an hour and 15 minutes, I would say. 7 MR. KLOPMAN: The donation -- can I ask her about 8 the donation classes quickly? 9 HEARING EXAMINER ROBESON: Yeah. 10 MR. KLOPMAN: Okay. Have you attended the 11 donation classes? 12 MS. SESAY: I have. Usually on Thanksgiving 13 morning and the day after Thanksgiving, Natasha holds 14 classes to benefit the Stepping Stones or So Others May Eat, 15 different charities. And so the classes are geared towards 16 giving back to the community. 17 MR. KLOPMAN: And money that you would pay goes 18 to charity. Is that how that works? 19 MS. SESAY: Right, absolutely. Yes, and those 20 are advertised ahead of time as charity classes. 21 MR. KLOPMAN: And are those the most -- how does 22 the attendance differ at those classes? 23 MS. SESAY: Typically more than normal, yes. 24 MR. KLOPMAN: Okay. Typically, in terms of the 25 size of the studio, comfortably how many people can fit in</p>	<p>23</p> <p>1 MS. SESAY: I've never timed it, but no, I just 2 park and I go in. When I'm done with yoga I leave. 3 MR. KLOPMAN: So how long he would say your 4 impact, in terms of the surrounding neighborhood to Ms. 5 Romano's house would be? 6 MR. CHEN: Objection. I don't know what kind of 7 question that is. 8 HEARING EXAMINER ROBESON: What was the question? 9 What was the -- 10 MR. CHEN: Unexplained impact. I heard -- 11 MR. KLOPMAN: No, it's not unexplained impact. 12 I'm trying to have her explain, which she goes to these 13 classes for an hour and 15 minutes or more than an hour, she 14 said, how long as her interaction with the neighborhood. 15 HEARING EXAMINER ROBESON: How long is your 16 interaction with the neighborhood? 17 MR. KLOPMAN: Like I said, I haven't timed it, 18 but we are busy people. And so we go to yoga, we park, we 19 finish yoga, we get in our cars, and we leave. There is no 20 impact at all. 21 MR. KLOPMAN: And have you -- 22 MR. CHEN: Objection. 23 MR. KLOPMAN: Okay. 24 MR. CHEN: Go ahead. 25 MR. KLOPMAN: Have you -- have you had any</p>
<p>22</p> <p>1 the studio? 2 MS. SESAY: No more than 10. 3 MR. KLOPMAN: And in your experience in the eight 4 years that you've been going prior to November, typically 5 how many people would attend the classes? 6 MS. SESAY: I mean -- 7 MR. KLOPMAN: What's the range? 8 MS. SESAY: Range would be anywhere from 5 to 8. 9 MR. KLOPMAN: Okay. Would there be times when 10 there were less ever? 11 MS. SESAY: Yes, of course, yes. 12 MR. KLOPMAN: Okay. Without being repetitive, 13 Your Honor -- 14 HEARING EXAMINER ROBESON: That's a test. 15 MR. KLOPMAN: That was a test. You're correct. 16 Give me a second. 17 HEARING EXAMINER ROBESON: Certainly. 18 MR. KLOPMAN: In terms of the -- your -- when you 19 go to these classes, how long -- when you go, what do you do 20 after you park your car to go? 21 MS. SESAY: I park my car and I go to take yoga. 22 MR. KLOPMAN: Okay. And then what -- how long 23 does it take you to park your car? 24 MS. SESAY: Not long. 25 MR. KLOPMAN: Okay.</p>	<p>24</p> <p>1 problems parking either along Falconbridge Drive, 2 Falconbridge Terrace, or near Ms. Romano's house, or the 3 driveway? 4 MS. SESAY: No problems. 5 MR. KLOPMAN: That's all I have, Your Honor. 6 HEARING EXAMINER ROBESON: Okay. Mr. Chen. 7 MR. CHEN: Madam, as I understand your testimony, 8 you say typically it's 5 to 8 people in the yoga classes. 9 And have you ever seen more than 8? 10 MS. SESAY: On Thanksgiving morning, yes, I have. 11 MR. CHEN: Okay. Do you know how many Ms. 12 Romano's is asking permission to have during her classes if 13 this application is approved? 14 MS. SESAY: Ten. 15 MR. CHEN: Okay. So then she will be able to 16 have 10, correct? 17 MS. SESAY: That's my understanding, yes. 18 MR. CHEN: Okay. And you said that you been 19 taking yoga classes since 2005. 20 MS. SESAY: No, for eight years I've lived in the 21 neighborhood since 2005. 22 MR. CHEN: I apologize. So would be 2011? 23 MS. SESAY: Around then. A little over eight 24 years. 25 MR. CHEN: Are you aware of the history of</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

7 (25 to 28)

<p style="text-align: right;">25</p> <p>1 complaints that have been filed and the citations issued by 2 the Department of Permitting Services? 3 MR. KLOPMAN: Your Honor, I would object. Is 4 outside the scope of my direct. 5 MR. CHEN: No, it isn't. You asked for typical. 6 HEARING EXAMINER ROBESON: Mr. Chen, do you want 7 to be heard on that? 8 MR. CHEN: Yes, I do want to be heard. 9 HEARING EXAMINER ROBESON: Typical conditions; 10 okay, I will let it in. 11 MS. SESAY: What was the question? I'm sorry. 12 MR. CHEN: Are you aware of the complaints and 13 citations that have been issued? 14 MS. SESAY: I don't -- I'm aware that there is an 15 issue with the neighbors. I'm aware that Natasha is 16 applying for a conditional use license. I can't say outside 17 of that I know a whole lot. I go to yoga and -- 18 HEARING EXAMINER ROBESON: Okay. 19 MR. CHEN: And you say that you've see no adverse 20 impact? 21 MS. SESAY: I have not. 22 MR. CHEN: I understand. Are you aware of the 23 conditions that apply to the authorizations that Ms. Romano 24 has had for her yoga studio? 25 MS. SESAY: Am I aware of what?</p>	<p style="text-align: right;">27</p> <p>1 classes, have you attended any other yoga activities at the 2 Romano residence? 3 MS. SESAY: I have attended the Thanksgiving, 4 like I mentioned, morning, and the day after Thanksgiving. 5 MR. CHEN: Are you aware of any yoga activity at 6 the Romano residence other than the yoga classes that you 7 have described? 8 MS. SESAY: Yoga. 9 MR. CHEN: I'm sorry. 10 MS. SESAY: Just yoga. I go to yoga. 11 MR. CHEN: I understand that. But are you aware 12 of any other yoga activity other than the classes that 13 you've attended? 14 MS. SESAY: When you say yoga activity, she is a 15 yoga instructor. So all of her classes are geared towards 16 yoga. Yoga comes in many different forms. 17 HEARING EXAMINER ROBESON: No it's not -- 18 MS. SESAY: I'm not sure what the question is. 19 MR. CHEN: I'm just trying, Madam, and I'm not -- 20 this is not a trick question. I understand yoga has a lot 21 of different types of activities. Is that correct? 22 MS. SESAY: Yes. 23 MR. CHEN: And you attend yoga classes? 24 MS. SESAY: Yes. 25 MR. CHEN: Okay. Are there any other yoga</p>
<p style="text-align: right;">26</p> <p>1 MR. CHEN: The conditions? 2 MS. SESAY: The conditions that she is allowed to 3 have a certain number of students and that's it. It's that. 4 MR. CHEN: Okay. And what is your understanding 5 of the conditions? 6 MS. SESAY: I mean, she is practicing that right 7 now by only having five students. 8 MR. CHEN: Yes, thank you for reminding me. 9 Since filing the application, as I understand your 10 testimony, since filing the application, she said no more 11 than five people in the class. Is that right? 12 MS. SESAY: I don't know when she filed her 13 application. So I can't say since she filed that. 14 MR. CHEN: Oh, okay. That is how the question is 15 posited to you. 16 MS. SESAY: I'm sorry. 17 MR. CHEN: The question was, since filing the 18 application, and you answered affirmatively that since 19 filing the application there have been only five people per 20 class. 21 MS. SESAY: Since she's been going through the 22 situation. I don't know when the application was actually 23 filed. I don't have a date on when the application was 24 filed. 25 MR. CHEN: Okay. Other than attending yoga</p>	<p style="text-align: right;">28</p> <p>1 activities at the Romano residence other than the yoga 2 classes that you attend? 3 MS. SESAY: She has a yoga that includes aerial 4 yoga. Is that sort of what you are talking about? 5 HEARING EXAMINER ROBESON: Well, is it in a 6 class? 7 MS. SESAY: Yes. 8 MR. CHEN: And you include aerial? Is that the 9 right (inaudible)? 10 MS. SESAY: Yes, aerial is a form of yoga. It's 11 just using different props. 12 MR. CHEN: Okay. Do you attend aerial yoga 13 classes? 14 MS. SESAY: I have once. 15 MR. CHEN: Is that -- so that's not the normal 16 yoga class that you would attend? 17 MS. SESAY: No. I only have two days available 18 to me right now to attend classes. 19 MR. CHEN: Do you know how often there are aerial 20 yoga classes? 21 MS. SESAY: No. 22 MR. CHEN: Have you had occasion to look at the 23 proposed schedule of classes that Ms. Romano has filed with 24 her application? 25 MS. SESAY: I have not.</p>



Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

8 (29 to 32)

<p>29</p> <p>1 MR. CHEN: Okay. And you, on occasion, as I 2 understand it, have parked your car either on Falconbridge 3 Terrace or in the driveway; is that right? 4 MS. SESAY: That is correct. 5 MR. CHEN: And you are aware that -- strike that. 6 Are you aware of where the other attendees of the yoga 7 classes that you attend park cars? 8 MS. SESAY: In the driveway. 9 MR. CHEN: Is that a question to me, ma'am? 10 MS. SESAY: It's not a question. It's an answer 11 to your question. 12 MR. CHEN: So you've only seen cars parked by 13 other attendees in the driveway? 14 MS. SESAY: Yes, or on Natasha's property. But 15 this was maybe two years ago. 16 MR. CHEN: What do you mean by on her property? 17 MS. SESAY: Where, on Falconbridge Terrace where 18 I parked along her property line. 19 MR. CHEN: In the street? 20 MS. SESAY: On the street. 21 MR. CHEN: On the street. Have you seen cars of 22 attendees park their cars, literally, have you seen them 23 park their cars on the street? 24 MS. SESAY: Yes, in the past we have parked on 25 Lloydminster Terrace along Natasha's home. So not beyond</p>	<p>31</p> <p>1 witness. 2 MS. SESAY: (Inaudible). 3 HEARING EXAMINER ROBESON: You may be excused. 4 MR. KLOPMAN: Okay. I'm going to call Deena 5 Klopman. 6 HEARING EXAMINER ROBESON: No relation? 7 MR. KLOPMAN: She is my partner and spouse. 8 HEARING EXAMINER ROBESON: Well, she better say 9 the right thing, I guess. 10 MR. KLOPMAN: Don't say that, because she -- you 11 know, she is very nervous about it. She's never testified 12 before. 13 HEARING EXAMINER ROBESON: Ms. Klopman, please 14 raise your right hand. Do you solemnly affirm under 15 penalties of perjury that the statements you are about to 16 make are the truth, the whole truth, and nothing but the 17 truth? 18 MS. KLOPMAN: Yes. 19 HEARING EXAMINER ROBESON: Okay. 20 MR. KLOPMAN: Please state your name and address. 21 MS. KLOPMAN: Deena Klopman, 15301 Falconbridge 22 Terrace. 23 MR. KLOPMAN: How long have you lived there? 24 MS. KLOPMAN: 32 years. 25 MR. KLOPMAN: Can you join me up here at this</p>
<p>30</p> <p>1 her home, but right along her property line and in her 2 driveway. Those are the places that I've seen people park. 3 HEARING EXAMINER ROBESON: Is it for the whole 4 time that you been going? 5 MS. SESAY: For the time I've been going? 6 HEARING EXAMINER ROBESON: Yeah, for the whole 7 time, those are the only places? 8 MS. SESAY: Yes, along her property on 9 Lloydminster Terrace and on Lloydminster (inaudible). 10 HEARING EXAMINER ROBESON: Where is Lloydminster 11 Terrace? 12 MR. CHEN: You meant -- 13 MS. SESAY: I'm sorry. Falconbridge Terrace. I 14 live on Lloydminster. I'm sorry. 15 HEARING EXAMINER ROBESON: Okay. 16 MS. SESAY: Falconbridge Terrace or Falconbridge 17 Drive along her property. 18 MR. CHEN: I have no further questions. 19 HEARING EXAMINER ROBESON: All right. Mr. 20 Klopman. 21 MR. KLOPMAN: Okay. I'm going to call one other 22 fact witness. 23 HEARING EXAMINER ROBESON: No redirect? 24 MR. KLOPMAN: No. 25 HEARING EXAMINER ROBESON: Okay. Call your next</p>	<p>32</p> <p>1 plat or map? 2 HEARING EXAMINER ROBESON: And that map was 3 which -- 4 MR. KLOPMAN: It's 88e. 5 MR. CHEN: Lowercase E. 6 HEARING EXAMINER ROBESON: 88e in the record. 7 MR. KLOPMAN: Okay. Now, for the record, can you 8 see Falconbridge Terrace going from west to east? And you 9 see Lloydminster Drive here? You see that? Can you point 10 to where your house is? This is Falconbridge Terrace, and 11 this is the corner of Falconbridge and Lloydminster. 12 MS. KLOPMAN: 20 -- 28. 13 MR. KLOPMAN: It looks like 28, okay. And -- 14 HEARING EXAMINER ROBESON: Okay, Mr. Klopman. No 15 leading. 16 MS. KLOPMAN: We are 28. 17 HEARING EXAMINER ROBESON: I know you have a 18 close relationship and you probably know what she is going 19 to say, but I don't want you leading her. Okay. 20 MR. KLOPMAN: So, do you attend -- you can have a 21 seat, please. Do you attend Ms. Romano's yoga classes? 22 MS. KLOPMAN: Yes, I do. 23 MR. KLOPMAN: In her house? 24 MS. KLOPMAN: Yes, I do. 25 MR. KLOPMAN: And how long have you attended</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

9 (33 to 36)

<p>33</p> <p>1 those classes?</p> <p>2 MS. KLOPMAN: I think about four years.</p> <p>3 MR. KLOPMAN: Okay. And how do you get to those</p> <p>4 classes?</p> <p>5 MS. KLOPMAN: I drive, or I walk.</p> <p>6 MR. KLOPMAN: Okay. And the walk -- describe --</p> <p>7 where do you walk?</p> <p>8 MS. KLOPMAN: I walk right down Falconbridge</p> <p>9 Terrace to her corner of Falconbridge Drive.</p> <p>10 MR. KLOPMAN: And how many blocks is that?</p> <p>11 MS. KLOPMAN: About four.</p> <p>12 MR. KLOPMAN: Okay. What classes did -- do you</p> <p>13 attend?</p> <p>14 MS. KLOPMAN: I typically attend Saturday</p> <p>15 morning, Monday morning, Thursday afternoon, and</p> <p>16 occasionally Monday night.</p> <p>17 MR. KLOPMAN: I want you to tell the Hearing</p> <p>18 Examiner, since you've been attending these classes, what</p> <p>19 impact do you believe there is to the neighborhood</p> <p>20 surrounding Ms. Romano's house?</p> <p>21 MS. KLOPMAN: I --</p> <p>22 MR. CHEN: Excuse me.</p> <p>23 MR. KLOPMAN: From the classes.</p> <p>24 MR. CHEN: Excuse me. So as long as Examiner is</p> <p>25 aware, these are laypeople testifying in their words like</p>	<p>35</p> <p>1 MR. KLOPMAN: Okay. While you are in the</p> <p>2 classes, is there any interaction with the neighborhood?</p> <p>3 MS. KLOPMAN: None.</p> <p>4 MR. KLOPMAN: Okay. Now, Ms. Klopman, you work.</p> <p>5 Are you employed?</p> <p>6 MS. KLOPMAN: Yes.</p> <p>7 MR. KLOPMAN: Who do you work for?</p> <p>8 MS. KLOPMAN: I work for Temple Bethany Nursery</p> <p>9 School.</p> <p>10 MR. KLOPMAN: Okay. And what time in the morning</p> <p>11 do you leave for work?</p> <p>12 MS. KLOPMAN: So I leave my house everyday around</p> <p>13 8:30, 8:40, and I drive down Falconbridge Drive right past</p> <p>14 Natasha's house, Tuesday through Friday mornings.</p> <p>15 MR. KLOPMAN: Okay. You also have an occasion to</p> <p>16 drive on Falconbridge Drive? Falconbridge Terrace?</p> <p>17 MS. KLOPMAN: I come home that way. I go down</p> <p>18 Falconbridge Terrace and Falconbridge Tried multiple times a</p> <p>19 day.</p> <p>20 MR. KLOPMAN: Can you describe the cars, whether</p> <p>21 there are cars parked on Falconbridge Drive in the times</p> <p>22 that you drive as you just described?</p> <p>23 MS. KLOPMAN: There are usually no cars parked on</p> <p>24 Falconbridge Drive past 8:30 in the morning until one or two</p> <p>25 cars in the evening. But during the day in the</p>
<p>34</p> <p>1 impact are lay words of impact are not expert witnesses.</p> <p>2 HEARING EXAMINER ROBESON: I understand.</p> <p>3 MR. CHEN: Thank you.</p> <p>4 HEARING EXAMINER ROBESON: I will let it in for</p> <p>5 the weight it deserves.</p> <p>6 MR. CHEN: Thank you, very much.</p> <p>7 HEARING EXAMINER ROBESON: Go ahead Ms. Klopman.</p> <p>8 MS. KLOPMAN: I see no impact on the</p> <p>9 neighborhood.</p> <p>10 MR. KLOPMAN: Okay. And tell us, when you drive</p> <p>11 to these classes, tell us the process. Okay. Describe your</p> <p>12 interaction with the neighborhood surrounding Ms. Romano's</p> <p>13 neighborhood when you go to these classes.</p> <p>14 MS. KLOPMAN: I drive up the street, pull in her</p> <p>15 driveway, park the car, go in the house.</p> <p>16 MR. KLOPMAN: And how long are the classes?</p> <p>17 MS. KLOPMAN: A little over an hour.</p> <p>18 MR. KLOPMAN: What do you do after the class?</p> <p>19 MS. KLOPMAN: Get in your car, pull out of the</p> <p>20 driveway, and drive home.</p> <p>21 MR. KLOPMAN: How many minutes would you say your</p> <p>22 entire interaction is with the neighborhood other than --</p> <p>23 surrounding Ms. Romano's house?</p> <p>24 MS. KLOPMAN: Fifteen seconds to park, 20 seconds</p> <p>25 to pull out, and you leave.</p>	<p>36</p> <p>1 neighborhood, there are virtually no cars parked on</p> <p>2 Falconbridge Drive.</p> <p>3 MR. KLOPMAN: Okay. And Your Honor, last time we</p> <p>4 were here on March 4, I had directed the witnesses</p> <p>5 attentions to the staff report (inaudible) staff report,</p> <p>6 64a.</p> <p>7 HEARING EXAMINER ROBESON: Yeah, I realize that.</p> <p>8 What page is that?</p> <p>9 MR. KLOPMAN: It's page 4.</p> <p>10 HEARING EXAMINER ROBESON: Okay. You can ask her</p> <p>11 the same question.</p> <p>12 MR. KLOPMAN: Okay. Let me just show you page of</p> <p>13 the Planning Board, which again is 64a in the record. You</p> <p>14 see Falconbridge Terrace and Falconbridge Drive in that</p> <p>15 picture?</p> <p>16 MS. KLOPMAN: Yes.</p> <p>17 MR. KLOPMAN: Okay. Is that how it looks when --</p> <p>18 HEARING EXAMINER ROBESON: Don't say it.</p> <p>19 MR. KLOPMAN: How --</p> <p>20 HEARING EXAMINER ROBESON: How typical is that?</p> <p>21 MR. KLOPMAN: Is that -- does that fairly -- does</p> <p>22 this picture fairly and accurately depict the conditions of</p> <p>23 Falconbridge Drive and Falconbridge Terrace as you see them</p> <p>24 most of the time?</p> <p>25 MS. KLOPMAN: Yes.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

10 (37 to 40)

<p>37</p> <p>1 MR. KLOPMAN: Your Honor, I have a bunch of other 2 pictures. I don't want to spend the time going through 3 those. 4 HEARING EXAMINER ROBESON: I would appreciate 5 that. 6 MR. KLOPMAN: Okay. I just have one picture that 7 I do want to go through very quickly. 8 HEARING EXAMINER ROBESON: Which picture is that? 9 MR. KLOPMAN: It's 88, and it's a picture. 10 MR. CHEN: Are we talking about photographs? 11 MR. KLOPMAN: Yeah, it's a photograph. 12 HEARING EXAMINER ROBESON: Exhibit 88? 13 MR. KLOPMAN: Well, it's the letter to you of 14 April 23, 2019. And attached is a picture. There are 15 several -- 16 HEARING EXAMINER ROBESON: Well, I need an 17 exhibit number. 18 MR. KLOPMAN: Well, it's 88. 19 MR. CHEN: It's the -- 20 MR. KLOPMAN: I have it written down here 21 somewhere. 22 HEARING EXAMINER ROBESON: Oh, it's in that most 23 recent packet you submitted? 24 MR. KLOPMAN: 88a, yeah. It's in the whole -- 25 yeah.</p>	<p>39</p> <p>1 MR. KLOPMAN: 9:00 in the morning. 2 HEARING EXAMINER ROBESON: Okay. I have it. 3 MR. KLOPMAN: And Ms. Klopman, I want to ask you 4 a question. Do you have an occasion to take walks in the 5 neighborhood? 6 MS. KLOPMAN: Often. 7 MR. KLOPMAN: Do you know who the -- where the 8 Hubers live? 9 MS. KLOPMAN: Yes. 10 MR. KLOPMAN: And you understand that they, the 11 Hubers, have -- okay. Strike that. And have you ever had 12 any negative interactions with the Hubers regarding the yoga 13 studio? 14 MS. KLOPMAN: Absolutely not. 15 MR. KLOPMAN: Have you had any negative 16 interactions with any of the neighbors regarding the yoga 17 studio? 18 MS. KLOPMAN: No. 19 MR. KLOPMAN: Okay. Now, you had occasion -- 20 have you had occasion to notice the house that's pictured in 21 this picture? 22 MS. KLOPMAN: Yes. 23 MR. KLOPMAN: And who's house is that? 24 HEARING EXAMINER ROBESON: Wait, which house? 25 There is --</p>
<p>38</p> <p>1 HEARING EXAMINER ROBESON: Okay. 2 MR. KLOPMAN: And you will see a picture that I'm 3 going to ask you some questions about, Ms. Klopman. It's 4 dated April 20, 2019 at 9:00 in the morning, 9:00 and 33 5 seconds. 6 MR. CHEN: A.m. or p.m.? 7 MR. KLOPMAN: A.m., pardon me. It's a picture of 8 16232. You see it, Your Honor? 9 HEARING EXAMINER ROBESON: I just want to make 10 sure. There's a lot of pictures. What is its sub numeral, 11 do you know? 12 MR. CHEN: A. 13 MR. KLOPMAN: A, it's part of A. 14 MR. CHEN: (Inaudible). 15 MR. KLOPMAN: I don't know how it's marked in 16 your -- 17 HEARING EXAMINER ROBESON: Oh, it's not 18 separately marked. So give me a moment and -- 19 MR. CHEN: Madam Examiner, if you look at the 20 list, it has -- under A, 88a, it has dates. 21 HEARING EXAMINER ROBESON: Oh, okay. I see the 22 dates now. And this is April 23? 23 MR. CHEN: 20. 24 MR. KLOPMAN: April 20. 25 HEARING EXAMINER ROBESON: Okay. And what time?</p>	<p>40</p> <p>1 MR. KLOPMAN: It's the house where the cars are 2 parked. 3 HEARING EXAMINER ROBESON: Is it on the left? 4 The house to the left? 5 MR. KLOPMAN: It's on the left. There is only 6 one house with cars parked in front of it. You see it? 7 HEARING EXAMINER ROBESON: Okay. 8 MR. KLOPMAN: Okay. And do you know whose house 9 that is? 10 MS. KLOPMAN: I believe is the Hubers' house. 11 MR. KLOPMAN: Okay. And you have -- on your 12 walks, have you walked by that house before? 13 MS. KLOPMAN: Many times. 14 MR. KLOPMAN: Okay. And had you notice about how 15 many cars were typically parked in the Huber's driveway? 16 MS. KLOPMAN: A lot of times there were four cars 17 parked in the driveway. 18 MR. KLOPMAN: Okay. And that -- is this car 19 that's on the street here, to your knowledge is that one of 20 the Hubers' cars? 21 HEARING EXAMINER ROBESON: Wait. Wait. I don't 22 understand why this is even relevant. 23 MR. KLOPMAN: I'm trying to get to something that 24 happen after the last hearing, okay, Your Honor. I'm trying 25 to establish this fact for later argument. It's relevant to</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

11 (41 to 44)

<p>41</p> <p>1 the idea of congestion in this neighborhood because this 2 car, I will proffer to you, if you want -- 3 HEARING EXAMINER ROBESON: No, don't proffer. I 4 will let you continue. Continue. 5 MR. KLOPMAN: On your walks prior to the hearing 6 we were together, did you notice that -- what did you notice 7 about the Hubers' parking in their driveway? 8 MS. KLOPMAN: Usually there were four cars parked 9 in the driveway. 10 MR. KLOPMAN: Okay. After the hearing, did you 11 notice any changes in their parking patterns? 12 MS. KLOPMAN: This car now was parked -- 13 HEARING EXAMINER ROBESON: What car? 14 MR. KLOPMAN: The car that's -- the car that's -- 15 MS. KLOPMAN: That's parked on the street. 16 HEARING EXAMINER ROBESON: The white car on the 17 street? 18 MR. KLOPMAN: (Inaudible). 19 MS. KLOPMAN: On the street is now more often 20 parked on the street. 21 MR. KLOPMAN: And that would be -- would that 22 be -- when would you see that? 23 MS. KLOPMAN: In the evenings. 24 MR. KLOPMAN: Okay. That's all. Not -- how 25 about on the mornings when you went to work?</p>	<p>43</p> <p>1 opposition submissions. Have you attended the Thanksgiving 2 classes? 3 MS. KLOPMAN: I have attended the Thanksgiving 4 classes. 5 MR. KLOPMAN: And what were -- what was the 6 purpose of the Thanksgiving classes? 7 MS. KLOPMAN: To give back to the community. 8 MR. KLOPMAN: Okay. And what is -- 9 MS. KLOPMAN: It's a way to give back. 10 HEARING EXAMINER ROBESON: Okay. 11 MR. KLOPMAN: Last question. How about -- there 12 are specialty classes? Health specialty classes? Are you 13 familiar with those? 14 MS. KLOPMAN: I am familiar, but I have not 15 attended. 16 MR. KLOPMAN: What -- how are you familiar? 17 MS. KLOPMAN: There would be a class that you 18 could go to to learn about brain health and Alzheimer's. 19 MR. KLOPMAN: And these specialty classes and the 20 donation classes, how did the attendance differ from a 21 regular class? 22 MR. CHEN: Objection; she said she's not 23 attended. 24 HEARING EXAMINER ROBESON: Right. 25 MS. KLOPMAN: I've only attended the</p>
<p>42</p> <p>1 MS. KLOPMAN: There is no -- no, there is no cars 2 parked on the street in the mornings. 3 MR. KLOPMAN: Okay. 4 MS. KLOPMAN: There's just not. 5 HEARING EXAMINER ROBESON: Okay. 6 MR. KLOPMAN: All right. Just a minute. Let me 7 just review my notes, ma'am. 8 HEARING EXAMINER ROBESON: All right. 9 MR. KLOPMAN: We've already established about -- 10 you continue to go to the classes, correct? 11 MS. KLOPMAN: Yes, if I sign up quick enough. 12 MR. KLOPMAN: Have you been turned away because 13 you have not been -- 14 MS. KLOPMAN: Yes. 15 MR. KLOPMAN: -- able to sign up quick enough and 16 you've been -- and that's because of -- what's the -- 17 HEARING EXAMINER ROBESON: Why have you been 18 turned away? 19 MS. KLOPMAN: Because of the sign-up sheet. 20 MR. KLOPMAN: And why -- 21 MS. KLOPMAN: Because of the sign-up system, you 22 can only have five. 23 HEARING EXAMINER ROBESON: Okay. 24 MR. KLOPMAN: Thank you. And have you 25 attended -- and you've seen your picture in some of the</p>	<p>44</p> <p>1 Thanksgiving. 2 MR. KLOPMAN: I said both classes. 3 HEARING EXAMINER ROBESON: Huh? 4 MR. KLOPMAN: I said both classes. I will just 5 limit it to the donation classes. 6 HEARING EXAMINER ROBESON: Thank you. 7 MR. KLOPMAN: And the donation classes, how does 8 that -- how does it -- that differ? 9 MS. KLOPMAN: There are more people to go. 10 MR. KLOPMAN: Prior to the five limit that we've 11 talked about, when you went before November of 2018, how 12 many people typically would go to a class? What's the 13 range? 14 MS. KLOPMAN: There could be two. That could be 15 seven, I would say. But typically, five, four or five. 16 HEARING EXAMINER ROBESON: Okay. 17 MR. KLOPMAN: Is there anything else that you 18 want to say in support of Ms. Romano's application that -- 19 MS. KLOPMAN: Well, I am aware of how many 20 classes she is asking for. And I just don't understand 21 how -- especially Monday, Wednesday, Friday when the 22 neighborhood, after the children go to school, there is 23 nobody around. It's a very quiet neighborhood. So I don't 24 understand how it could be so impactful to have cars on her 25 property pull out five minutes from the whole day. I don't</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

12 (45 to 48)

<p>45</p> <p>1 understand how they can be so impactful to the neighborhood.</p> <p>2 MR. KLOPMAN: How about on Saturday mornings?</p> <p>3 MS. KLOPMAN: And I've -- I've been so cognizant</p> <p>4 in the last, since November, looking at how many cars and I</p> <p>5 know what the traffic is for every class that I attend. And</p> <p>6 even Saturday mornings, there is just not that many cars</p> <p>7 parked on the street.</p> <p>8 HEARING EXAMINER ROBESON: Okay.</p> <p>9 MR. KLOPMAN: Thank you. Thank you, Ms. Klopman.</p> <p>10 HEARING EXAMINER ROBESON: Are you finished?</p> <p>11 MR. KLOPMAN: Yes. I feel like I'm talking to my</p> <p>12 mother. Yes, I'm finished.</p> <p>13 MS. KLOPMAN: What?</p> <p>14 HEARING EXAMINER ROBESON: Mr. Chen.</p> <p>15 MR. CHEN: Thank you. As I understand your</p> <p>16 testimony Ms. Klopman, since November 2018, the size of the</p> <p>17 classes had been limited to five attendees. Is that</p> <p>18 correct?</p> <p>19 MS. KLOPMAN: Correct.</p> <p>20 MR. CHEN: And you attend yoga classes at the</p> <p>21 Romano residence?</p> <p>22 MS. KLOPMAN: Correct.</p> <p>23 MR. CHEN: Other than the yoga classes that you</p> <p>24 attend, are you aware of any other yoga activity that occurs</p> <p>25 at the Romano residence?</p>	<p>47</p> <p>1 class?</p> <p>2 MR. CHEN: Pardon me. My recollection, and</p> <p>3 correct me if I'm mistaken, is that on direct examination</p> <p>4 you were asked about specialty classes and you mentioned</p> <p>5 that they were your brain health.</p> <p>6 MS. KLOPMAN: There -- I know that there was one</p> <p>7 for brain health, yes.</p> <p>8 MR. CHEN: Okay. So my simple question --</p> <p>9 MS. KLOPMAN: How did I know about it?</p> <p>10 MR. CHEN: Yes.</p> <p>11 MS. KLOPMAN: I guess I was at a class and</p> <p>12 Natasha would say, if you're interested in learning about</p> <p>13 brain health, come on whatever Saturday that was.</p> <p>14 MR. CHEN: Okay.</p> <p>15 MS. KLOPMAN: But I didn't go.</p> <p>16 MR. CHEN: Okay.</p> <p>17 HEARING EXAMINER ROBESON: Was that at the normal</p> <p>18 time? The brain health class? Or was that a special time?</p> <p>19 MS. KLOPMAN: I think it -- I think it was at the</p> <p>20 normal time.</p> <p>21 HEARING EXAMINER ROBESON: Okay.</p> <p>22 MR. CHEN: And you've mentioned that since the</p> <p>23 last hearing -- the last hearing was on March 4. Is that</p> <p>24 correct?</p> <p>25 MS. KLOPMAN: Yes.</p>
<p>46</p> <p>1 MS. KLOPMAN: Other than the donation class, no.</p> <p>2 No, I'm not aware of any other yoga activity other than yoga</p> <p>3 classes.</p> <p>4 MR. CHEN: How about the specialty classes?</p> <p>5 MS. KLOPMAN: Well, a specialty classes part of</p> <p>6 the regular schedule for me.</p> <p>7 HEARING EXAMINER ROBESON: Well, when is the</p> <p>8 Thanksgiving class? What time?</p> <p>9 MS. KLOPMAN: I think it's the day of that</p> <p>10 Thanksgiving morning, 10:00 in the morning.</p> <p>11 HEARING EXAMINER ROBESON: So that's not part of</p> <p>12 the schedule she is proposing, right?</p> <p>13 MS. KLOPMAN: No, I guess not.</p> <p>14 MR. CHEN: But, Your Honor --</p> <p>15 MS. KLOPMAN: I don't think --</p> <p>16 HEARING EXAMINER ROBESON: I want her to answer</p> <p>17 the question. You will get (inaudible).</p> <p>18 MS. KLOPMAN: That would be part of the schedule.</p> <p>19 HEARING EXAMINER ROBESON: Okay. Go ahead Mr. --</p> <p>20 MR. CHEN: Thank you. How did you know about the</p> <p>21 specialty classes?</p> <p>22 MS. KLOPMAN: I don't understand what the</p> <p>23 specialty classes refer to.</p> <p>24 MR. CHEN: Well --</p> <p>25 MS. KLOPMAN: The donation, the Thanksgiving</p>	<p>48</p> <p>1 MR. CHEN: You've commented that you've noticed</p> <p>2 that there are cars parked in front of the Huber residence</p> <p>3 in the street. Is that correct?</p> <p>4 MS. KLOPMAN: One car, yes.</p> <p>5 MR. CHEN: Okay. How many times have you walked</p> <p>6 past the Huber house since March 4?</p> <p>7 MS. KLOPMAN: Oh, my God. Countless times.</p> <p>8 MR. CHEN: Well --</p> <p>9 MS. KLOPMAN: I mean, how many days are there</p> <p>10 between -- first of all, I drive past there every day at</p> <p>11 least twice a day.</p> <p>12 MR. CHEN: And is it your testimony therefore,</p> <p>13 that the -- there are more -- that cars are now part in</p> <p>14 front of the Huber residence in Falconbridge Drive that were</p> <p>15 not ever parked in front of the Huber residence prior to</p> <p>16 March 4?</p> <p>17 MR. KLOPMAN: Objection, Your Honor. She said</p> <p>18 one car, one car. But he said --</p> <p>19 HEARING EXAMINER ROBESON: I'm going to let her</p> <p>20 answer.</p> <p>21 MR. KLOPMAN: Okay, but I'm objecting to the --</p> <p>22 HEARING EXAMINER ROBESON: She can answer.</p> <p>23 MR. KLOPMAN: All right.</p> <p>24 HEARING EXAMINER ROBESON: I understand.</p> <p>25 MR. CHEN: I will amend the question to make it</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

13 (49 to 52)

<p>49</p> <p>1 one car.</p> <p>2 HEARING EXAMINER ROBESON: Why don't you repeat</p> <p>3 the question with one car?</p> <p>4 MR. CHEN: So as I understand your testimony,</p> <p>5 prior to March 4, there was never one car parked in front of</p> <p>6 the Huber residence on Falconbridge Drive?</p> <p>7 MS. KLOPMAN: I wouldn't say never, but</p> <p>8 typically, there were -- there would be four cars parked in</p> <p>9 the driveway. And lately, since the hearing, I've noticed</p> <p>10 the one car more often parked on the street.</p> <p>11 MR. CHEN: Are you aware of any incidents of yoga</p> <p>12 class attendees using the Huber residence driveway?</p> <p>13 MS. KLOPMAN: Yes. I'm aware of one time when</p> <p>14 that happened.</p> <p>15 MR. CHEN: Okay. And what's your understanding</p> <p>16 of that incident?</p> <p>17 MS. KLOPMAN: They turned around in the driveway</p> <p>18 and Ms. Huber was outside and got upset and there was</p> <p>19 shouting. And that's really all I know. And since then, we</p> <p>20 were told, please don't park near their driveway.</p> <p>21 MR. CHEN: Are you aware that --</p> <p>22 MS. KLOPMAN: Please don't turn around in their</p> <p>23 driveway.</p> <p>24 MR. CHEN: Okay. Are you aware that she was</p> <p>25 almost hit?</p>	<p>51</p> <p>1 MR. CHEN: Objection. There is no evidence that</p> <p>2 Ms. Huber filed any complaints.</p> <p>3 MR. KLOPMAN: In terms of the problems that you</p> <p>4 understand with the other neighbors, what -- how has Natasha</p> <p>5 handled those complaints?</p> <p>6 MR. CHEN: Objection. It's beyond cross-</p> <p>7 examination.</p> <p>8 MR. KLOPMAN: He asked about complaints.</p> <p>9 MR. CHEN: Yeah. No, I did.</p> <p>10 HEARING EXAMINER ROBESON: Don't jump in.</p> <p>11 MR. CHEN: I'm sorry.</p> <p>12 HEARING EXAMINER ROBESON: Just a second. I</p> <p>13 noticed at the last hearing that there was a lot of</p> <p>14 crosstalk to the point where I couldn't understand -- I got</p> <p>15 a lot of inaudibles. Don't crosstalk.</p> <p>16 MR. CHEN: Okay.</p> <p>17 HEARING EXAMINER ROBESON: Don't jump in. You</p> <p>18 wait for me to tell you it's your turn.</p> <p>19 MR. CHEN: Okay.</p> <p>20 HEARING EXAMINER ROBESON: I know feelings are</p> <p>21 high and I understand that, but my job is to create a clear</p> <p>22 record so that everybody gets their say on the record. So</p> <p>23 go ahead. Now you can talk.</p> <p>24 MR. KLOPMAN: I will ask you another question.</p> <p>25 How would you describe Ms. Romano's response to the concerns</p>
<p>50</p> <p>1 MS. KLOPMAN: I'm not aware.</p> <p>2 MR. CHEN: Okay.</p> <p>3 HEARING EXAMINER ROBESON: Now, if you have an</p> <p>4 objection, say objection.</p> <p>5 MR. KLOPMAN: I was about to.</p> <p>6 HEARING EXAMINER ROBESON: Okay.</p> <p>7 MR. KLOPMAN: But I'm fine. Again, Your Honor, I</p> <p>8 want to get through this too.</p> <p>9 MR. CHEN: Have you ever parked your car -- when</p> <p>10 you went to a yoga class, did you ever park in the street?</p> <p>11 MS. KLOPMAN: Yes, on Natasha's property line.</p> <p>12 MR. CHEN: That would be --</p> <p>13 MS. KLOPMAN: But since the hearing -- since the</p> <p>14 November -- since this all started, we've been parking --</p> <p>15 everybody has been parking in the driveway because there has</p> <p>16 only been five people attending. So everybody fits in the</p> <p>17 driveway.</p> <p>18 MR. CHEN: That's all I got.</p> <p>19 MR. KLOPMAN: When you say -- I just have one</p> <p>20 follow-up, Your Honor. When you say we were told not to</p> <p>21 turn around in anyone's driveway, who told you that?</p> <p>22 MS. KLOPMAN: Natasha.</p> <p>23 MR. KLOPMAN: Okay. And in terms of the</p> <p>24 complaints that you understand were made by Ms. Huber and</p> <p>25 the other neighbor --</p>	<p>52</p> <p>1 of other neighbors; her surrounding neighbors?</p> <p>2 MS. KLOPMAN: I think she has gone to great</p> <p>3 lengths to make sure everyone who attends class follows the</p> <p>4 protocol. She has tried. And you know, one neighbor said,</p> <p>5 please don't park over here. So we don't park over there.</p> <p>6 She tells everybody all the time, reminds everybody, please</p> <p>7 park in my driveway.</p> <p>8 MR. KLOPMAN: And how about in terms of turning</p> <p>9 in three-point turns and that kind of stuff?</p> <p>10 HEARING EXAMINER ROBESON: It's --</p> <p>11 MR. CHEN: Let it go. Let it go. Let it go.</p> <p>12 HEARING EXAMINER ROBESON: Okay.</p> <p>13 MR. KLOPMAN: Is there anything --</p> <p>14 MS. KLOPMAN: She's asking not to turn around in</p> <p>15 anybody's driveway. There's no need to because --</p> <p>16 HEARING EXAMINER ROBESON: I'm not trying to be</p> <p>17 difficult to you, but I am trying -- there is a process that</p> <p>18 we have to follow to make sure it's your testimony.</p> <p>19 MS. KLOPMAN: Okay.</p> <p>20 HEARING EXAMINER ROBESON: And not -- so --</p> <p>21 MS. KLOPMAN: Someone else's words.</p> <p>22 HEARING EXAMINER ROBESON: Do you want to ask</p> <p>23 what she has observed about anything else?</p> <p>24 MR. KLOPMAN: I would just ask you this. Is</p> <p>25 there anything else that you wanted to say in support of Ms.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

14 (53 to 56)

<p>53</p> <p>1 Romano's application that we haven't covered?</p> <p>2 MR. CHEN: Your Honor, that's beyond --</p> <p>3 HEARING EXAMINER ROBESON: I'm going to let it --</p> <p>4 MR. CHEN: Objection. Objection.</p> <p>5 HEARING EXAMINER ROBESON: I understand. I'm</p> <p>6 going to let it in. Go ahead. And give it the weight it</p> <p>7 deserves. Go ahead.</p> <p>8 MS. KLOPMAN: I understand this is about parking</p> <p>9 and impacting the neighborhood. And I live in the</p> <p>10 neighborhood and I wouldn't want to do anything that would</p> <p>11 be -- I wouldn't want to be a part of anything that would be</p> <p>12 harmful to our neighborhood. I've lived there for 32 years.</p> <p>13 MR. KLOPMAN: Okay.</p> <p>14 MS. KLOPMAN: I just don't see any problem of</p> <p>15 people driving and parking on someone's property that would</p> <p>16 be so impactful to the neighborhood.</p> <p>17 HEARING EXAMINER ROBESON: Okay.</p> <p>18 MR. KLOPMAN: Thank you.</p> <p>19 HEARING EXAMINER ROBESON: Thank you for coming</p> <p>20 to testify.</p> <p>21 MS. KLOPMAN: You're welcome.</p> <p>22 MR. KLOPMAN: I'm going to call Mr. Yanoshik.</p> <p>23 HEARING EXAMINER ROBESON: Okay. Mr. Yanoshik,</p> <p>24 do you want to have a seat there? Please raise your right</p> <p>25 hand. Do you solemnly affirm under penalties of perjury</p>	<p>55</p> <p>1 you're -- how are you going to -- are you going to qualify</p> <p>2 him as an expert?</p> <p>3 MR. KLOPMAN: Uh-huh.</p> <p>4 HEARING EXAMINER ROBESON: And what expert are</p> <p>5 you going to -- what specialty?</p> <p>6 MR. KLOPMAN: Real estate sales.</p> <p>7 HEARING EXAMINER ROBESON: Okay. Mr. Chen, are</p> <p>8 you going to argue with that, or do we need to? I'm trying</p> <p>9 to get through --</p> <p>10 MR. CHEN: (inaudible)</p> <p>11 HEARING EXAMINER ROBESON: Huh? Do you want</p> <p>12 to -- okay? We will go through the voir dire.</p> <p>13 MR. CHEN: Well, maybe just to expedite things.</p> <p>14 HEARING EXAMINER ROBESON: I'm sorry?</p> <p>15 MR. CHEN: To expedite things. I will object to</p> <p>16 any testimony from this individual about property values. I</p> <p>17 understand he is a realtor, but he is not an appraiser. And</p> <p>18 if you look at Exhibit 59, Mr. Klopman's cover letter, he</p> <p>19 talks about property values in the future. And I am -- I do</p> <p>20 object to any solicitation of an opinion relative to</p> <p>21 property values. That's --</p> <p>22 MR. KLOPMAN: Well, that's fine, Your Honor, if</p> <p>23 the same goes for Mr. Daniellan. I want you to understand</p> <p>24 what happened here. I did not designate Mr. Yanoshik until</p> <p>25 after receiving Mr. Chen's package on February 11 or</p>
<p>54</p> <p>1 that the statements you are about to make are the truth, the</p> <p>2 whole truth, and nothing but the truth?</p> <p>3 MR. YANOSHIK: Yes, I do.</p> <p>4 HEARING EXAMINER ROBESON: Mr. Klopman.</p> <p>5 MR. KLOPMAN: Thank you, Your Honor. Good</p> <p>6 morning, Mr. Yanoshik.</p> <p>7 MR. YANOSHIK: Good morning.</p> <p>8 MR. KLOPMAN: Can you please state your full name</p> <p>9 and address?</p> <p>10 MR. YANOSHIK: My name is Paul Yanoshik and I</p> <p>11 currently live at 12304 Passaro Drive.</p> <p>12 MR. KLOPMAN: Okay. And where is that?</p> <p>13 MR. YANOSHIK: It's in North Potomac about a mile</p> <p>14 from the subject property.</p> <p>15 MR. KLOPMAN: Can you spell your name for the</p> <p>16 court reporter, so he has it?</p> <p>17 MR. YANOSHIK: Y-A-N-O-S-H-I-K.</p> <p>18 MR. KLOPMAN: Mr. Yanoshik, you previously</p> <p>19 supplied me with your bio and your curriculum vitae, and it</p> <p>20 has been submitted, Your Honor.</p> <p>21 HEARING EXAMINER ROBESON: Yes. Can you remind</p> <p>22 me of the exhibit?</p> <p>23 MR. KLOPMAN: 59d.</p> <p>24 HEARING EXAMINER ROBESON: Thank you. Before you</p> <p>25 get into that, Mr. Chen, are you going to -- I assume</p>	<p>56</p> <p>1 thereabouts.</p> <p>2 HEARING EXAMINER ROBESON: His prehearing</p> <p>3 statement?</p> <p>4 MR. KLOPMAN: His prehearing statement.</p> <p>5 HEARING EXAMINER ROBESON: Yeah.</p> <p>6 MR. KLOPMAN: And he submitted Mr. Daniellan, who</p> <p>7 is also a real estate person he is not an appraiser as I</p> <p>8 understand it. And if he is not going to testify to</p> <p>9 property values, then that's fine. But you're right, Mr.</p> <p>10 Yanoshik is not an appraiser, but neither is Mr. Daniellan.</p> <p>11 And so if he's not going to -- if he is going to object to</p> <p>12 Mr. Yanoshik testifying to property values, then Mr.</p> <p>13 Daniellan shouldn't be able to testify to property values.</p> <p>14 HEARING EXAMINER ROBESON: Mr. Chen?</p> <p>15 MR. CHEN: Let's proceed and make things clear.</p> <p>16 The Applicant was obligated, under the rules, to disclose</p> <p>17 experts at the time of filing the application. Okay.</p> <p>18 That's your rules. Mr. Klopman did not do that, all right.</p> <p>19 If there is opposition, the time for opposition to disclose</p> <p>20 experts is when they file their opposition statement, which</p> <p>21 was done in this case, in accordance with the rules.</p> <p>22 Following that, Mr. Klopman, and I've not objected, has,</p> <p>23 essentially at a time, identified this gentleman as an</p> <p>24 expert witness. That's number one. Number two, Mr.</p> <p>25 Daniellan has ever been proposed to be an expert on</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

15 (57 to 60)

<p>57</p> <p>1 testifying on property values. I submit that is the role of 2 the real estate appraiser. And I'm sure you are aware of 3 that yourself. Mr. Daniellan has been disclosed as an 4 expert witness. He is a realtor. And he is not going to be 5 testifying about property values.</p> <p>6 MR. KLOPMAN: Well, wait a second.</p> <p>7 HEARING EXAMINER ROBESON: Okay. Well under -- 8 there is more -- he could -- as far as the late filing, he 9 could proffer Mr. -- I'm sorry.</p> <p>10 MR. YANOSHIK: Yanoshik.</p> <p>11 HEARING EXAMINER ROBESON: Yanoshik; I'm looking 12 right at it.</p> <p>13 MR. CHEN: I'm not objecting to it. I'm not 14 objecting to it.</p> <p>15 HEARING EXAMINER ROBESON: Okay, but he could 16 proffer it on rebuttal. In the ability to get through this 17 hearing, I'm going to let him testify now because you have a 18 realtor or real estate expert, and this is just getting to 19 him before, procedurally. I will admit him as an expert 20 realtor, and we will go from there.</p> <p>21 MR. CHEN: Thank you, Your Honor.</p> <p>22 HEARING EXAMINER ROBESON: Mr. Klopman go ahead. 23 We got the name and the address so far.</p> <p>24 MR. KLOPMAN: Thank you for re-orientating me. 25 Mr. Yanoshik, what do you do for living?</p>	<p>59</p> <p>1 MR. KLOPMAN: And you said you live at a 2 different -- you moved in 2001, correct?</p> <p>3 MR. YANOSHIK: Correct.</p> <p>4 MR. KLOPMAN: And your -- and the subdivision 5 where you move to, was the name of it?</p> <p>6 HEARING EXAMINER ROBESON: Just a second.</p> <p>7 MR. YANOSHIK: It's adjacent to the (inaudible).</p> <p>8 HEARING EXAMINER ROBESON: Mr. Chen, you need to 9 get some -- I'm going to come back to you. Mr. Chen, do 10 need to get some water?</p> <p>11 MR. CHEN: I'm struggling, but I'm fine.</p> <p>12 HEARING EXAMINER ROBESON: Okay. I'm sorry to 13 interrupt. I just -- I was concerned about Mr. Chen, but 14 also, I didn't want it messing up the recording mic. So I 15 apologize. Go ahead.</p> <p>16 MR. YANOSHIK: Thank you.</p> <p>17 MR. KLOPMAN: You live -- would you live now in 18 terms of the development? How close is it to Fox Hills?</p> <p>19 MR. YANOSHIK: I would say approximately a mile 20 the way the crow flies from the property.</p> <p>21 MR. KLOPMAN: Okay. Do you continue to sell real 22 estate in the Fox Hills North subdivision?</p> <p>23 MR. YANOSHIK: I do, as much as I can.</p> <p>24 MR. KLOPMAN: Okay. And how often are you in 25 that neighborhood?</p>
<p>58</p> <p>1 MR. YANOSHIK: I'm a real estate agent.</p> <p>2 MR. KLOPMAN: Okay. And the -- again, your bio 3 and your -- your bio and your --</p> <p>4 HEARING EXAMINER ROBESON: He's already been 5 qualified.</p> <p>6 MR. KLOPMAN: Okay, he's qualified. Okay.</p> <p>7 HEARING EXAMINER ROBESON: As a realtor, expert 8 realtor.</p> <p>9 MR. KLOPMAN: Okay. That's correct. Did you -- 10 where did you live between 1992 and the year 2001?</p> <p>11 MR. YANOSHIK: I lived on 5128 Falconbridge 12 Terrace, which is two houses down from the said property.</p> <p>13 MR. KLOPMAN: From Natasha Romano's property? 14 And it's two houses down from --</p> <p>15 MR. YANOSHIK: And across the street from 16 Falconbridge Terrace, yes.</p> <p>17 MR. KLOPMAN: And across the street, okay. Okay. 18 And how long have you been a real estate agent, I want to 19 just --</p> <p>20 MR. YANOSHIK: Since 1983.</p> <p>21 MR. KLOPMAN: Okay. Have you sold homes in the 22 Falconbridge North subdivision?</p> <p>23 MR. YANOSHIK: I counted up the ones that I could 24 count from the MLS and within a three-block radius I've sold 25 13 homes over the years in that 2 to 3 block radius.</p>	<p>60</p> <p>1 MR. YANOSHIK: Probably 3 to 4 times a month at 2 least, depending on the month.</p> <p>3 MR. KLOPMAN: Okay. Now, you understand that Ms. 4 Romano has filed a conditional use application to increase 5 the number of people who can attend her yoga classes in her 6 home studio, correct?</p> <p>7 HEARING EXAMINER ROBESON: Mr. Klopman, don't 8 lead.</p> <p>9 MR. KLOPMAN: He was -- Your Honor, he was 10 present at the entire hearing last time.</p> <p>11 HEARING EXAMINER ROBESON: All right. Go ahead.</p> <p>12 MR. KLOPMAN: And I just --</p> <p>13 HEARING EXAMINER ROBESON: I just --</p> <p>14 MR. KLOPMAN: I just want to summarize what he -- 15 he heard --</p> <p>16 HEARING EXAMINER ROBESON: Yeah, I -- then he 17 doesn't need to. We are here for this. So go ahead.</p> <p>18 MR. YANOSHIK: Yes, I'm aware.</p> <p>19 MR. KLOPMAN: Okay. And I contacted you about 20 this case and you know the schedule and you know what the 21 application is about, correct?</p> <p>22 MR. YANOSHIK: Yes.</p> <p>23 MR. KLOPMAN: Okay. Do you have an opinion as to 24 whether the granting of Ms. Romano's conditional use 25 application would have any undue or adverse impact on the</p>



Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

16 (61 to 64)

<p>61</p> <p>1 economic value of any homes of the Fox Hills North 2 subdivision? 3 MR. CHEN: Objection; he has not been qualified 4 for that. 5 HEARING EXAMINER ROBESON: I'm going to let it in 6 and give it the weight it deserves. 7 MR. KLOPMAN: Go ahead Mr. -- 8 MR. CHEN: Well, excuse me. 9 HEARING EXAMINER ROBESON: No. 10 MR. CHEN: On that ruling -- 11 HEARING EXAMINER ROBESON: Yes. 12 MR. CHEN: You're going to let it in for what 13 it's worth, but you are not recognizing him as an expert. 14 HEARING EXAMINER ROBESON: I recognized him as an 15 expert realtor. 16 MR. CHEN: Excuse me. I apologize. I wasn't 17 finished. Are you recognizing this individual as an expert 18 on the meaning of the language used in the zoning ordinance? 19 HEARING EXAMINER ROBESON: I think an expert 20 realtor has experience in property values. So yes. 21 MR. CHEN: I object. 22 HEARING EXAMINER ROBESON: And your objection -- 23 MR. CHEN: There has been no foundation, no 24 evidence that goes to this issue in this area of expertise 25 that you are (inaudible).</p>	<p>63</p> <p>1 because of what Mr. Chen said. If I don't correct the 2 record -- 3 HEARING EXAMINER ROBESON: Okay, go ahead. 4 MR. KLOPMAN: On February 21st, 2019, I 5 designated Mr. Yanoshik and he -- I said that he is going 6 to -- he is going to testify that, in his expert opinion, 7 that the operation of the home yoga studio has not in the 8 past adversely affected the property values and will not 9 adversely affect property values in the future. So I did 10 make that statement. 11 MR. CHEN: Just for the record, that's -- that 12 statement is not go to the zoning issue. If you look at 13 Exhibit 59 where he talks about Mr. Yanoshik, his paragraph 14 states, beginning to page 1; "Mr. Yanoshik is expected to 15 testify that in his expert opinion as a realtor, very 16 familiar with this area's real estate market, the operation 17 of home yoga studio at 12 632 Falconbridge Drive has not in 18 the past adversely affected property values in his 19 neighborhood, and that the granting of a conditional use 20 application would not adversely affect property values in 21 the future." We've already established he is not testifying 22 on property values, okay. 23 MR. KLOPMAN: Well -- 24 MR. CHEN: Hold on. 25 HEARING EXAMINER ROBESON: Well, no.</p>
<p>62</p> <p>1 HEARING EXAMINER ROBESON: Well, why wouldn't a 2 realtor have -- what's the difference between -- 3 MR. CHEN: And if I may add, that is not the 4 basis upon which this individual was disclosed as an expert. 5 This issue -- this individual was disclosed as an expert on 6 marketability of housing. And I've not objected to that and 7 I won't object to marketability because -- and this does go 8 to your question that I have -- 9 HEARING EXAMINER ROBESON: So you're saying the 10 question is whether he can sell it, but not for what price? 11 MR. CHEN: Yeah. Based upon his credentials, 12 yeah. 13 HEARING EXAMINER ROBESON: Okay. I -- 14 MR. CHEN: Realtor -- 15 HEARING EXAMINER ROBESON: I understand. I do 16 understand your objection. I think it's elevating form over 17 substance because he has knowledge of the prices as part of 18 his marketability analysis. 19 MR. CHEN: I -- 20 HEARING EXAMINER ROBESON: Okay. So I'm going to 21 let him testify. 22 MR. KLOPMAN: I just want to make one statement 23 for the record. 24 HEARING EXAMINER ROBESON: No. No. 25 MR. KLOPMAN: No, no. Because it's important</p>	<p>64</p> <p>1 MR. CHEN: Excuse me. Let me finish this. To go 2 on to disclosure. "It is Mr. Yanoshik's expert opinion that 3 the yoga studio may have a positive effect on the 4 marketability of homes in the neighborhood because of the 5 popularity of yoga today and that the presence of cars and 6 activity during the day in the neighborhood would be seen as 7 a prospective buyer as a deterrence to crime, and hence, a 8 positive selling point." And then he goes on about the 9 property crimes. This disclosure does not go to the 10 requirements of the zoning ordinance. But you've already -- 11 I understand you party ruled on that and I am abiding by the 12 rule. 13 HEARING EXAMINER ROBESON: And you've made your 14 objection. 15 MR. CHEN: Yes. 16 HEARING EXAMINER ROBESON: All right. And I'm 17 going to note it as a continuing objection. 18 MR. CHEN: Yes. 19 HEARING EXAMINER ROBESON: So you don't have to 20 keep objecting. 21 MR. CHEN: Thank you. 22 HEARING EXAMINER ROBESON: Okay. 23 MR. KLOPMAN: All right. I will try to get back 24 to the point. 25 HEARING EXAMINER ROBESON: Let's get back to --</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

17 (65 to 68)

<p>65</p> <p>1 MR. KLOPMAN: Yanoshik.</p> <p>2 HEARING EXAMINER ROBESON: I'm sorry.</p> <p>3 MR. KLOPMAN: Mr. Yanoshik --</p> <p>4 HEARING EXAMINER ROBESON: I want to say Yanovic.</p> <p>5 I don't know why.</p> <p>6 MR. YANOSHIK: It's the same thing; son.</p> <p>7 HEARING EXAMINER ROBESON: I --</p> <p>8 MR. KLOPMAN: Weird Al Yankovic.</p> <p>9 HEARING EXAMINER ROBESON: No, no.</p> <p>10 MR. KLOPMAN: All right. Mr. Yanoshik, do you</p> <p>11 have an opinion as to whether or not the granting of Ms.</p> <p>12 Romano's conditional use application to allow her to</p> <p>13 increase the members to attend her classes up to 10 people</p> <p>14 in accordance with the schedule, would have an adverse</p> <p>15 effect on the economic, of any houses in Fox Hill North</p> <p>16 including the houses nearby or in the surrounding area? Do</p> <p>17 you have an opinion?</p> <p>18 MR. YANOSHIK: I do have an opinion.</p> <p>19 MR. KLOPMAN: What is your opinion?</p> <p>20 MR. YANOSHIK: My opinion is, going from, as is</p> <p>21 presented to me, from 5 up to 10 and on the schedule that it</p> <p>22 is -- I understand it is during the school days mostly and</p> <p>23 then on Saturday mornings and Monday evenings, it's going to</p> <p>24 have no impact.</p> <p>25 MR. KLOPMAN: Okay. And that's based upon your</p>	<p>67</p> <p>1 HEARING EXAMINER ROBESON: Okay. Go ahead.</p> <p>2 MR. YANOSHIK: Yeah, that was before the studio</p> <p>3 actually.</p> <p>4 MR. KLOPMAN: Okay. And do you have an opinion</p> <p>5 whether or not Ms. Romano's yoga studio with the granting of</p> <p>6 the conditional use allowing up to 10, would have a positive</p> <p>7 or negative selling point to a prospective -- would be a</p> <p>8 positive -- negative selling point to a prospective buyer?</p> <p>9 MR. YANOSHIK: I do.</p> <p>10 MR. KLOPMAN: What is your opinion?</p> <p>11 MR. YANOSHIK: My opinion is, again, based on the</p> <p>12 limited schedule and what it is that it's a positive impact</p> <p>13 given my observation over the years in the business since</p> <p>14 the early 80s in this area exclusively, and noticing the</p> <p>15 impact of where prices are in demand is in the sense of</p> <p>16 walkable communities and things to do in communities. And I</p> <p>17 will point out Kentlands Lakelands which is extremely close</p> <p>18 by. And the property values in those communities where</p> <p>19 there are a lot of live/work units and people walk ability</p> <p>20 factors and high -- what the new generation is going for,</p> <p>21 that it seems to me that that trend is going to continue in</p> <p>22 the sense that the demand will continue to keep -- people</p> <p>23 like to have the walk ability and places to buy that have</p> <p>24 things to do in the neighborhood now. And on a limited</p> <p>25 basis, such as a yoga studio, it's not a retail store some</p>
<p>66</p> <p>1 experience as a real estate agent. And did you have any</p> <p>2 occasion to look at any of the sales data? I'm not</p> <p>3 introducing any of it, but did you look at it briefly or</p> <p>4 cursorily or in any way to see whether that would -- whether</p> <p>5 that is consistent with your opinions?</p> <p>6 MR. YANOSHIK: Well, yes. I went into the MRIS</p> <p>7 and looked at the addresses sold in the last couple of years</p> <p>8 since the studio has been opened and there has been no</p> <p>9 noticeable difference at all as far as pricing goes and sold</p> <p>10 prices of properties in the neighborhood. I sold one catty</p> <p>11 corner from the subject house three times on the -- on the</p> <p>12 other corner of Falconbridge Drive and Terrace. And I'm</p> <p>13 very familiar with the area and I did not see any</p> <p>14 discernible difference.</p> <p>15 MR. KLOPMAN: And that's in the past. And in</p> <p>16 terms of --</p> <p>17 HEARING EXAMINER ROBESON: When were those? You</p> <p>18 sold them three times over what period?</p> <p>19 MR. YANOSHIK: I sold the house catty corner to</p> <p>20 that three different times. I was involved in a transaction</p> <p>21 three different times over the last 15 years.</p> <p>22 HEARING EXAMINER ROBESON: When was the most</p> <p>23 recent?</p> <p>24 MR. YANOSHIK: Most recent of that house was</p> <p>25 probably eight years ago that it sold.</p>	<p>68</p> <p>1 like that. I, in my opinion, would consider it a plus for</p> <p>2 the neighborhood. And knowing what I know about the</p> <p>3 neighborhood, which is pretty considerable.</p> <p>4 MR. KLOPMAN: And these houses are -- they were</p> <p>5 built in the 80s, correct?</p> <p>6 MR. YANOSHIK: 83, 85, 86.</p> <p>7 MR. KLOPMAN: Who are the people looking to buy</p> <p>8 in this neighborhood? I mean, who are the -- in your</p> <p>9 experience, what are the -- what's the age group of the</p> <p>10 people?</p> <p>11 HEARING EXAMINER ROBESON: No --</p> <p>12 MR. YANOSHIK: Well, the houses now are being</p> <p>13 recycled to the point of view the boomers are moving and the</p> <p>14 millennials are moving in for the schools and the location</p> <p>15 and the size, great neighborhood, great kid neighborhood,</p> <p>16 friendly, quarter acre lots, just a great community. And</p> <p>17 especially that cul-de-sac there in that area, which I lived</p> <p>18 on. I know because it's just a quiet street and I think</p> <p>19 that the new buyers, millennials, will all consider --</p> <p>20 mostly consider that as a positive where they can walk to a</p> <p>21 yoga studio.</p> <p>22 MR. KLOPMAN: Okay. How about -- what's your</p> <p>23 opinion, if you have one, about having the yoga studio, Ms.</p> <p>24 Romano's yoga studio in this location in terms of its effect</p> <p>25 of crime in a suburban neighborhood?</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

18 (69 to 72)

<p>69</p> <p>1 MR. CHEN: Objection.</p> <p>2 HEARING EXAMINER ROBESON: Sustained.</p> <p>3 MR. KLOPMAN: Well, does the -- can I just</p> <p>4 address this quickly, Your Honor?</p> <p>5 HEARING EXAMINER ROBESON: No.</p> <p>6 MR. KLOPMAN: Okay. In terms of -- can you</p> <p>7 describe the neighborhood? You're very familiar with the</p> <p>8 neighborhood.</p> <p>9 MR. YANOSHIK: Quarter acre lots, extremely well-</p> <p>10 done streetscape which is what Colty's (phonetic) big -- the</p> <p>11 developer and builder of the houses, card is. A pleasant</p> <p>12 community. The people that live there really like it.</p> <p>13 There's a lot of people that I know in the neighborhood that</p> <p>14 I've spoken with over the recent couple of months that are</p> <p>15 still there from my time there and have been there long</p> <p>16 time. And it's just a pleasant community.</p> <p>17 MR. KLOPMAN: Okay.</p> <p>18 MR. YANOSHIK: And people add on to their houses</p> <p>19 many times rather than moving because it's a nice spot</p> <p>20 (inaudible).</p> <p>21 MR. KLOPMAN: Okay. And they are single-family</p> <p>22 homes. Is that correct?</p> <p>23 MR. YANOSHIK: All single-family with double car</p> <p>24 garages and wide driveways. Traffic is not really a</p> <p>25 problem. The roads are 40 foot wide. I've never had issue</p>	<p>71</p> <p>1 MR. CHEN: Okay. So you don't know how wide the</p> <p>2 roads are?</p> <p>3 MR. YANOSHIK: My assumption is they are</p> <p>4 approximately 40 foot wide. They're wider than most; nice</p> <p>5 wide streets.</p> <p>6 MR. CHEN: So your assumption on the width of the</p> <p>7 roads would be comparable to all of other -- all of your</p> <p>8 other assumptions. Is that correct?</p> <p>9 MR. YANOSHIK: No.</p> <p>10 MR. CHEN: Okay. Why not?</p> <p>11 MR. YANOSHIK: All of my other assumptions don't</p> <p>12 correlate to exactly what my assumption is on the width of</p> <p>13 that road. So that's not correct.</p> <p>14 MR. CHEN: Okay. I don't have any more</p> <p>15 questions.</p> <p>16 HEARING EXAMINER ROBESON: Okay. You have</p> <p>17 redirect?</p> <p>18 MR. KLOPMAN: Give me a second.</p> <p>19 HEARING EXAMINER ROBESON: Okay. And then we are</p> <p>20 going to take a 10-minute break.</p> <p>21 MR. KLOPMAN: No, Your Honor.</p> <p>22 HEARING EXAMINER ROBESON: All right. Is that --</p> <p>23 does that conclude your case?</p> <p>24 MR. KLOPMAN: Is Sandra Thomas here?</p> <p>25 MS. ROMANO: Yes.</p>
<p>70</p> <p>1 with traffic problems.</p> <p>2 MR. KLOPMAN: How often are you in the</p> <p>3 neighborhood?</p> <p>4 MR. YANOSHIK: Depending on the month, four or</p> <p>5 eight times a month.</p> <p>6 MR. KLOPMAN: Do you have an occasion to view --</p> <p>7 see the conditions on Falconbridge Drive?</p> <p>8 MR. YANOSHIK: I do.</p> <p>9 MR. KLOPMAN: Okay. Can you describe the parking</p> <p>10 that you've seen? Whether there are cars parked along</p> <p>11 Dokken Bridge Drive?</p> <p>12 MR. YANOSHIK: Very light suburban parking.</p> <p>13 MR. KLOPMAN: Okay. That's all I have. Thank</p> <p>14 you, Your Honor.</p> <p>15 HEARING EXAMINER ROBESON: Okay. Mr. Chen.</p> <p>16 MR. CHEN: Just preliminary; you've noted my</p> <p>17 objection on the (inaudible) testimony. Is that correct?</p> <p>18 HEARING EXAMINER ROBESON: I am still noting it.</p> <p>19 I will note it at every opportunity.</p> <p>20 MR. CHEN: Thank you. Thank you, very much.</p> <p>21 Sir, you just stated that the roads in this community are 40</p> <p>22 foot wide.</p> <p>23 MR. YANOSHIK: That's my understanding.</p> <p>24 MR. CHEN: Have you ever measured them?</p> <p>25 MR. YANOSHIK: Did I -- no.</p>	<p>72</p> <p>1 MR. KLOPMAN: All right. She's -- she wants to</p> <p>2 (inaudible).</p> <p>3 HEARING EXAMINER ROBESON: I will let her. You</p> <p>4 may be excused Mr. Yanoshik.</p> <p>5 MR. YANOSHIK: Thank you.</p> <p>6 HEARING EXAMINER ROBESON: I got it right.</p> <p>7 MR. KLOPMAN: I don't think it will be long. I</p> <p>8 think Ms. Thomas (inaudible).</p> <p>9 HEARING EXAMINER ROBESON: Okay. You can -- and</p> <p>10 she can testify. And then we are going to take a 10 -- or</p> <p>11 is that the end of -- that's the end of -- this is the end</p> <p>12 of your case?</p> <p>13 MR. KLOPMAN: Yes, Your Honor.</p> <p>14 HEARING EXAMINER ROBESON: The maybe it's better</p> <p>15 to take an early lunch if people can do that. And then we</p> <p>16 will come back ready to go with the other side, okay.</p> <p>17 MR. KLOPMAN: Fine with me, Your Honor.</p> <p>18 HEARING EXAMINER ROBESON: All right.</p> <p>19 MR. CHEN: Fine with us.</p> <p>20 HEARING EXAMINER ROBESON: Come forward, please.</p> <p>21 MR. KLOPMAN: Is it lunch time already?</p> <p>22 HEARING EXAMINER ROBESON: Well, no.</p> <p>23 MR. KLOPMAN: I was --</p> <p>24 HEARING EXAMINER ROBESON: Sort of.</p> <p>25 MR. KLOPMAN: Lost track of time.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

19 (73 to 76)

<p style="text-align: right;">73</p> <p>1 HEARING EXAMINER ROBESON: Depends on how much 2 breakfast you ate. Please raise your right hand. Do you 3 solemnly affirm under penalties of perjury that the 4 statements you are about to make are the truth, the whole 5 truth, nothing but the truth? 6 MS. THOMAS: Yes, I do, Your Honor. 7 HEARING EXAMINER ROBESON: Go ahead, Mr. Klopman. 8 MR. KLOPMAN: Ms. Thomas, can you -- I'm not 9 going to -- I'm just going to -- state your name and address 10 for the record. 11 MS. THOMAS: My name is Sandra Thomas. My 12 address is 13400 Straw Bale Lane in Gaithersburg, Maryland. 13 I live about a mile from the yoga studio. 14 MR. KLOPMAN: Do you attend the yoga classes at 15 Ms. Romano's yoga studio? 16 MS. THOMAS: Yes, I do. 17 MR. KLOPMAN: And for how long? 18 MS. THOMAS: At least five years. I'm not sure 19 exactly. 20 MR. KLOPMAN: And have you had a chance to -- I 21 know that you have some things that you want to say in 22 support of the application. I'm going to let you say them 23 in a second. But in terms of the impact on the neighborhood 24 as you've seen it while you've attended these classes -- 25 which classes have you attended?</p>	<p style="text-align: right;">75</p> <p>1 HEARING EXAMINER ROBESON: She characterized. 2 MR. CHEN: Yes. 3 HEARING EXAMINER ROBESON: Just -- okay. Can you 4 keep it to your observance of what has happened? 5 MS. THOMAS: Yes. I observed Natasha instructing 6 us as students to first park the furthest away from the 7 complainant's house as possible. So that created more cars 8 in a -- you know, in a smaller area. And then she looked at 9 that. Then she instructed us that maybe that wasn't as good 10 for the neighborhood. So then she asked us to spread out. 11 Then -- 12 HEARING EXAMINER ROBESON: This is the parking 13 evolution that people were referring to as the last hearing? 14 MS. THOMAS: That's correct. That's correct. 15 HEARING EXAMINER ROBESON: Okay. 16 MS. THOMAS: And then she asked us to -- there 17 were some people car-pooling and riding their bikes and 18 walking, but she asked us to consider trying to do more 19 that. Students responded accordingly. Then she asked us to 20 park only in her driveway. She also instructed us many 21 times to be considerate of the neighbors, to not turn around 22 in people's driveways. She gave us a good idea of where to 23 turn around if we needed to turn around and go a different 24 direction. She did that repeatedly. She also instructed us 25 to be polite if we were confronted. And she taught us, as</p>
<p style="text-align: right;">74</p> <p>1 MS. THOMAS: I've attended probably all of the 2 classes. 3 MR. KLOPMAN: All of -- on different times. 4 MS. THOMAS: And during the week and on the 5 weekends. 6 MR. KLOPMAN: Tell the Hearing Examiner what 7 your -- what you've observed about the impact on the 8 neighborhood on the surrounding neighborhood. 9 MS. THOMAS: Your Honor, I want to say it this 10 way. Natasha found her calling in yoga and she started 11 having small yoga classes. The response to her special 12 brand of yoga was quite positive. And as a result, the 13 number of people who wanted to attend the classes grew over 14 time. In the beginning, at least in the beginning when I 15 started going, there were more people and there were cars 16 parking on the street. When Natasha became aware that 17 there -- that one neighbor had taken issue with that, she 18 tried everything, and I mean everything, to accommodate -- 19 MR. CHEN: Objection. 20 MS. THOMAS: To accommodate this person. 21 HEARING EXAMINER ROBESON: No, you have to stop 22 when he objects. 23 MS. THOMAS: Oh, I'm not a lawyer. 24 MR. CHEN: She can testify about what she saw, 25 but she tried to --</p>	<p style="text-align: right;">76</p> <p>1 our yoga instructor, to think of this person with compassion 2 and empathy and be positive through this very difficult 3 time. 4 HEARING EXAMINER ROBESON: Do you think that this 5 is just one -- this is a battle over one person who has 6 complaints? 7 MS. THOMAS: I know that -- I know that there are 8 more complainants now. 9 HEARING EXAMINER ROBESON: But all I hear about 10 is the Hubers. 11 MS. THOMAS: Yes, I think this is driven by the 12 Hubers. They live across the street. They have taken 13 photographs. They have prowled around her property. They 14 have posted a video camera trained at her house. They have 15 complained about the trash cans being in the wrong position. 16 They complain about the way the snow shovel -- they 17 complained about leaves blowing from one yard to the other. 18 HEARING EXAMINER ROBESON: Do you -- where you 19 get this information about all their complaints? 20 MS. THOMAS: From Natasha. 21 HEARING EXAMINER ROBESON: Okay. Keep going. 22 MS. THOMAS: So the -- you know, in the 23 beginning, I think Natasha didn't -- wasn't a 24 businessperson. She wasn't as aware as perhaps she should 25 have been. And as she became aware and asked her classes</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

20 (77 to 80)

<p>77</p> <p>1 grew, she really -- I watched her make many efforts to 2 invite the community in. She offered free yoga classes. We 3 tried everything with the parking that she could think of. 4 Everybody complied. 5 HEARING EXAMINER ROBESON: Yeah, but they took 6 her to court because she wouldn't obey. 7 MS. THOMAS: Well, it was an evolution. So in 8 the beginning -- I don't know what the rules were. I don't 9 know how many people she was supposed to have, how many 10 people she wasn't have -- she's talked about having 11 difficulty turning people away. For example -- 12 HEARING EXAMINER ROBESON: Oh, all right. All 13 right. 14 MS. THOMAS: When I sought her help, I -- I 15 suffer a generalized anxiety disorder and a propensity for 16 depression. My daughter became depressed and my son became 17 depressed at six years old. Like seriously depressed. Our 18 psychiatrist recommended yoga. And I called her. She spent 19 two hours on the phone with me. Didn't even know me. I 20 heard about it from one of my neighbors. And she went out 21 and got certified and saw my children privately before 22 bedtime for a solid year to help them with their yoga. I've 23 tried many things, exercise being the most successful. And 24 yoga is by far the most beneficial treatment that I've 25 experienced. And it's not just any yoga. I've tried other</p>	<p>79</p> <p>1 think, Your Honor, that this is about parking. I think this 2 is an inexplicable personal vendetta. And I think if 3 Natasha -- 4 MR. CHEN: Objection. Move to strike. 5 MS. THOMAS: Didn't have her -- 6 HEARING EXAMINER ROBESON: Wait. 7 MS. THOMAS: Didn't have her yoga -- 8 HEARING EXAMINER ROBESON: No. 9 MR. KLOPMAN: You have to stop. 10 MS. THOMAS: Okay. 11 HEARING EXAMINER ROBESON: You have to stop. 12 MR. CHEN: Well, one of -- I -- this is totally 13 irrelevant at the very least. 14 HEARING EXAMINER ROBESON: Yeah, I agree. So -- 15 MR. CHEN: Now, just for the record, just for the 16 record, it will be responded to later on today. 17 HEARING EXAMINER ROBESON: And that's fine. And 18 we are going to stop you now. 19 MR. CHEN: Well, let her finish because I do want 20 to cross-examine her. 21 HEARING EXAMINER ROBESON: Okay. Go ahead. So 22 you were saying about the personal vendetta. 23 MS. THOMAS: Yes, it's -- when I -- when I see -- 24 when I see these notebooks, when I see this child fully -- 25 UNIDENTIFIED SPEAKER: What child? Are you her</p>
<p>78</p> <p>1 yoga. Natasha not only teaches poses and breathing, but 2 she -- she's almost like my preacher. I'm not a religious 3 person. And I wrote her a letter about this one Christmas 4 as my gift to her. 5 HEARING EXAMINER ROBESON: Okay. We are -- 6 MS. THOMAS: Okay. So -- 7 HEARING EXAMINER ROBESON: I hate to cut you off, 8 but I broke my own rule and went astray. 9 MS. THOMAS: Yes. But I want to give you one 10 more. Since you asked, I want to give you one more -- I 11 want to give you a little sense for the context here. I 12 don't -- I know this is -- this hearing is about parking and 13 the rules. 14 HEARING EXAMINER ROBESON: Well, it's the 15 standards for approval that the County Council has set down. 16 MS. THOMAS: Okay. Yes. 17 HEARING EXAMINER ROBESON: That's -- 18 MS. THOMAS: And then -- 19 HEARING EXAMINER ROBESON: The County Council 20 decides the rules. 21 MS. THOMAS: Right. Okay. And the Planning 22 Commission, overwhelmingly, unanimously supported this 23 business. As I see this and as I see it evolve and as I 24 looked at some of the documentation, the way the opponents 25 treated (inaudible) at the last hearing, I just don't really</p>	<p>80</p> <p>1 child? 2 HEARING EXAMINER ROBESON: Wait, you can't -- 3 UNIDENTIFIED SPEAKER: I'm sorry. All right. 4 HEARING EXAMINER ROBESON: Okay. Hold on. Hold 5 on. 6 MS. THOMAS: I'm sorry. I'm sorry. 7 HEARING EXAMINER ROBESON: Go on. Getting out of 8 control here. 9 MS. THOMAS: Okay. I -- 10 HEARING EXAMINER ROBESON: Does it -- stop. The 11 record, this goes up on the transcript. And so when you say 12 this person here -- 13 MS. THOMAS: I understand. 14 HEARING EXAMINER ROBESON: The record doesn't 15 understand it, okay. 16 MS. THOMAS: I'm clear on that. 17 HEARING EXAMINER ROBESON: So it's my job to make 18 sure whoever wants to appeal this, whatever happens, there 19 is a record, so they understand what everybody said. Okay. 20 MS. THOMAS: My apologies. 21 HEARING EXAMINER ROBESON: If you -- you don't 22 have to -- 23 MS. THOMAS: Let me rephrase. 24 HEARING EXAMINER ROBESON: You don't have to 25 point to a person. You can simply say -- it just you have</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

21 (81 to 84)

<p style="text-align: right;">81</p> <p>1 to say it in terms so the record understands it.</p> <p>2 MS. THOMAS: Understood. The inordinate amount</p> <p>3 of time and anger that has been spent to fight this peaceful</p> <p>4 little yoga studio, I can't fathom it. And I can't</p> <p>5 understand how it really could be just about the parking,</p> <p>6 when Natasha and I and her other fellow students, as I have</p> <p>7 observed, have tried everything to appease, everything to</p> <p>8 accommodate.</p> <p>9 HEARING EXAMINER ROBESON: Except abide by her</p> <p>10 permits.</p> <p>11 MS. THOMAS: I don't -- I don't really have a lot</p> <p>12 of knowledge about what exactly her permits said.</p> <p>13 HEARING EXAMINER ROBESON: Okay.</p> <p>14 MS. THOMAS: I know that from her behavior now, I</p> <p>15 can tell you that she is very motivated in understanding all</p> <p>16 of the rules and she has been abiding by them. I can't --</p> <p>17 now I can't get into classes. You have to, you know, far in</p> <p>18 advance be one of those five people who happens to get the</p> <p>19 class.</p> <p>20 HEARING EXAMINER ROBESON: Okay.</p> <p>21 MS. THOMAS: She is offering alternative classes</p> <p>22 at a studio that is 5 miles from my house where there is</p> <p>23 limited parking. And I do yoga less because it's out of the</p> <p>24 way and it's a bigger carbon footprint. It's just a bigger</p> <p>25 hassle. And in that little room -- and this was mentioned,</p>	<p style="text-align: right;">83</p> <p>1 MR. CHEN: Gotcha. And you said your home is</p> <p>2 about a mile away?</p> <p>3 MS. THOMAS: It's about a mile away from</p> <p>4 Natasha's place, yes.</p> <p>5 MR. CHEN: Is that as the crow flies?</p> <p>6 MS. THOMAS: I don't know. I haven't actually</p> <p>7 clocked it.</p> <p>8 MR. CHEN: Okay. Well your subdivision is off of</p> <p>9 Turkey Foot. Is that right?</p> <p>10 MS. THOMAS: Yes.</p> <p>11 MR. CHEN: Okay. And Ms. Romano has private</p> <p>12 lessons?</p> <p>13 MS. THOMAS: I'm sorry.</p> <p>14 MR. CHEN: I said -- my question was, Ms. Romano</p> <p>15 has private lessons.</p> <p>16 MS. THOMAS: Are you asking me if she has private</p> <p>17 lessons?</p> <p>18 MR. CHEN: Yes. Yes.</p> <p>19 MS. THOMAS: I've never taken a private lesson.</p> <p>20 MR. CHEN: She -- you testified that she</p> <p>21 privately saw people. That's my --</p> <p>22 MS. THOMAS: Are you asking me to confirm her</p> <p>23 testimony?</p> <p>24 MR. CHEN: No.</p> <p>25 MS. THOMAS: Okay.</p>
<p style="text-align: right;">82</p> <p>1 I'm sure you will recall, in the previous hearing day, it's</p> <p>2 cold. It's dirty. The floor is so hard that I can't do any</p> <p>3 poses on my knees. And the equipment isn't there. She has</p> <p>4 specialized equipment like the hammocks that were mentioned</p> <p>5 for the aerial classes which provide a special kind of low</p> <p>6 impact of stretching opportunities for older people.</p> <p>7 HEARING EXAMINER ROBESON: Okay. I am going to</p> <p>8 stop you because that, as I said -- I don't know if you were</p> <p>9 here at the beginning.</p> <p>10 MS. THOMAS: I wasn't. I'm sorry.</p> <p>11 HEARING EXAMINER ROBESON: Well, I'm not going to</p> <p>12 take testimony that doesn't -- because we really need to</p> <p>13 complete this hearing. So I appreciate your coming in. I</p> <p>14 do appreciate it. And I appreciate your testimony and I'm</p> <p>15 not cutting you off because I don't care, or I don't</p> <p>16 understand what you are saying. I do understand what you're</p> <p>17 saying. But we need to -- I have specific things I need to</p> <p>18 look at, okay. So now it's cross-examination, Mr. Chen.</p> <p>19 MR. CHEN: Thank you, very much. You just</p> <p>20 referred, Madam, to a location 5 miles away; am I correct on</p> <p>21 that?</p> <p>22 MS. THOMAS: I think it's about 5 miles.</p> <p>23 MR. CHEN: What place is that?</p> <p>24 MS. THOMAS: The carriage house in the Kentlands.</p> <p>25 And by 5 miles away, I meant 5 miles away from my home.</p>	<p style="text-align: right;">84</p> <p>1 MR. CHEN: I'm asking your testimony. My</p> <p>2 understanding is that you testified that, with your own</p> <p>3 family, she saw you and I think one of your children</p> <p>4 privately. So --</p> <p>5 MS. THOMAS: Yeah, she did.</p> <p>6 MR. CHEN: Yeah.</p> <p>7 MS. THOMAS: Yeah.</p> <p>8 MR. CHEN: You remember now? Your testimony? Do</p> <p>9 you remember?</p> <p>10 MS. THOMAS: I --</p> <p>11 HEARING EXAMINER ROBESON: Mr. Chen, that's</p> <p>12 enough.</p> <p>13 MR. CHEN: I know. You remember your testimony</p> <p>14 now though?</p> <p>15 MR. KLOPMAN: He's doing it again, Your Honor.</p> <p>16 MR. CHEN: I can ask her if she remembers it.</p> <p>17 Before she said she didn't. I just want to know she</p> <p>18 remembers it.</p> <p>19 HEARING EXAMINER ROBESON: Do you recall it now?</p> <p>20 MS. THOMAS: I do.</p> <p>21 HEARING EXAMINER ROBESON: Okay.</p> <p>22 MR. CHEN: Are you aware that Ms. Romano has</p> <p>23 other people who she sees privately?</p> <p>24 MS. THOMAS: She's mentioned that, yes.</p> <p>25 MR. CHEN: And other than the classes that you</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

22 (85 to 88)

<p style="text-align: right;">85</p> <p>1 attend, are you aware of any other yoga activity at the</p> <p>2 Romano residence?</p> <p>3 MS. THOMAS: Are you talking about the business?</p> <p>4 MR. CHEN: Anything. Yes, yoga.</p> <p>5 MS. THOMAS: Well, the special the classes that</p> <p>6 other people have mentioned. I know she had a brain health</p> <p>7 class last year. I attended that; I didn't attend the</p> <p>8 Thanksgiving thing, and I'm not aware of that.</p> <p>9 MR. CHEN: And you mentioned the complainant's</p> <p>10 house. Am I correct, based upon your testimony, that you</p> <p>11 understand that is the Huber residence?</p> <p>12 MS. THOMAS: Yes.</p> <p>13 MR. CHEN: And who told you about that?</p> <p>14 MS. THOMAS: Natasha.</p> <p>15 MR. CHEN: And are you aware of the nature of any</p> <p>16 of the complaints that were filed with the County about her</p> <p>17 yoga studio operations?</p> <p>18 MS. THOMAS: Natasha has told her classes that</p> <p>19 there have been complaints filed so that we understand the</p> <p>20 importance of complying with her instructions. I have not</p> <p>21 read the complaints myself.</p> <p>22 MR. CHEN: Okay. Are you aware that the County</p> <p>23 sued Ms. Romano for violation of her conditions?</p> <p>24 MR. KLOPMAN: Well --</p> <p>25 MS. THOMAS: No, I'm not.</p>	<p style="text-align: right;">87</p> <p>1 MS. THOMAS: Natasha mentioned to me that there</p> <p>2 had been a citation. And I heard testimony about it on the</p> <p>3 previous day's hearing.</p> <p>4 MR. CHEN: Okay.</p> <p>5 MS. THOMAS: But I've not read those documents.</p> <p>6 MR. CHEN: Okay. And I apologize, but I thought</p> <p>7 you mentioned -- and I sincerely apologize. But I thought</p> <p>8 you stated that the opponents had treated somebody</p> <p>9 improperly at the last hearing.</p> <p>10 MS. THOMAS: I don't know if improperly is the</p> <p>11 right way. It was -- I walked into the court house and</p> <p>12 there was a woman sitting right in front of the security</p> <p>13 desk. I'm a very friendly person and I gave her a big smile</p> <p>14 and she glared at me. Then I came up into the hearing and I</p> <p>15 saw her again and I tried to smile at her, and she glared me</p> <p>16 down. We had a stare down. And there is just general</p> <p>17 hostility and headshaking. And, you know, I know these</p> <p>18 aren't professional people in their own professional</p> <p>19 environment, but the manner of it was just sad. I just</p> <p>20 don't know why there is so much acrimony and so much just</p> <p>21 vitriol all over this. This could've been handled by</p> <p>22 speaking neighbor to neighbor. And Natasha, what I know of</p> <p>23 her character and the way she moves through the world,</p> <p>24 would've responded.</p> <p>25 MR. CHEN: Move to -- objection; moved to strike.</p>
<p style="text-align: right;">86</p> <p>1 HEARING EXAMINER ROBESON: Yes, there is an</p> <p>2 objection. I meant to go that way.</p> <p>3 MR. KLOPMAN: It's not a -- is not a suit. It's</p> <p>4 a citation. It's a civil citation.</p> <p>5 HEARING EXAMINER ROBESON: It's -- I use -- is a</p> <p>6 suit. Suit is good enough. It's actually, believe it or</p> <p>7 not, is a quasi-criminal charge.</p> <p>8 MR. CHEN: Absolutely.</p> <p>9 HEARING EXAMINER ROBESON: So go ahead.</p> <p>10 MS. THOMAS: I'm aware there was a citation.</p> <p>11 HEARING EXAMINER ROBESON: I used to do all of</p> <p>12 the zoning enforcement for multiple counties.</p> <p>13 MR. CHEN: That makes two of us. So you --</p> <p>14 you're not aware of the court proceeding?</p> <p>15 HEARING EXAMINER ROBESON: And I just saw two</p> <p>16 people in the back. I'm going to do this. Look -- roll</p> <p>17 their eyes at each other. I'm going to give this fair</p> <p>18 treatment. I'm going to listen to both sides, and I am</p> <p>19 going to give this fair treatment.</p> <p>20 MR. CHEN: Thank you, Your Honor.</p> <p>21 HEARING EXAMINER ROBESON: Mr. Chen, go ahead.</p> <p>22 MR. CHEN: Ms. Thomas, the question was, as I</p> <p>23 understand it, you were not aware of the nature of the</p> <p>24 judicial proceedings that the County had instituted against</p> <p>25 Ms. Romano. Is that correct?</p>	<p style="text-align: right;">88</p> <p>1 HEARING EXAMINER ROBESON: No, you asked the</p> <p>2 question.</p> <p>3 MR. CHEN: No, I -- that was not my question.</p> <p>4 HEARING EXAMINER ROBESON: Okay. I'm going to</p> <p>5 let it in.</p> <p>6 MR. CHEN: Okay. My question went what her</p> <p>7 testimony about what she saw on March 4.</p> <p>8 HEARING EXAMINER ROBESON: Oh, that's true.</p> <p>9 Okay. Do you have anything else?</p> <p>10 MR. CHEN: Yeah, I'm not done. Now, you also</p> <p>11 mentioned certain activities of the Hubers that apparently</p> <p>12 that you mentioned that, I guess were inappropriate. The</p> <p>13 security camera, do you recall your testimony on that?</p> <p>14 MS. THOMAS: I didn't describe them as</p> <p>15 inappropriate.</p> <p>16 MR. CHEN: Okay. What -- is there any objection?</p> <p>17 Any problem why people cannot take photographs of another</p> <p>18 property?</p> <p>19 HEARING EXAMINER ROBESON: I'm going to -- just a</p> <p>20 second. What's your objection?</p> <p>21 MR. KLOPMAN: I'm sorry. I just think that's an</p> <p>22 improper question to ask somebody about whether something</p> <p>23 is --</p> <p>24 MS. THOMAS: She brought it up.</p> <p>25 MR. KLOPMAN: Okay. I withdraw the objection.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

23 (89 to 92)

<p style="text-align: right;">89</p> <p>1 HEARING EXAMINER ROBESON: Go ahead Mr. Chen.</p> <p>2 MS. THOMAS: What's the problem with anything</p> <p>3 that you have described that the Hubers have done?</p> <p>4 MS. THOMAS: If I had a neighbor who had</p> <p>5 expressed such disdain for me who ended up on my property</p> <p>6 sneaking around, who took pictures of my property --</p> <p>7 HEARING EXAMINER ROBESON: Just a second. Just a</p> <p>8 second.</p> <p>9 MS. THOMAS: On a daily basis -- I haven't</p> <p>10 witnessed the sneaking around, but I've seen --</p> <p>11 HEARING EXAMINER ROBESON: Wait, wait, wait. Who</p> <p>12 are we talking about?</p> <p>13 MS. THOMAS: The Hubers.</p> <p>14 HEARING EXAMINER ROBESON: Is this your neighbor</p> <p>15 or --</p> <p>16 MS. THOMAS: No, this is Natasha's neighbor</p> <p>17 across the street.</p> <p>18 MR. CHEN: So these are --</p> <p>19 HEARING EXAMINER ROBESON: The Hubers, okay.</p> <p>20 That's what I want to know.</p> <p>21 MS. THOMAS: Yeah.</p> <p>22 MR. CHEN: And what -- just tell us what they</p> <p>23 have done. Not your experience on your own property that's</p> <p>24 with some -- but what do you know the Hubers --</p> <p>25 MS. THOMAS: I thought you were asking me whether</p>	<p style="text-align: right;">91</p> <p>1 MR. CHEN: Just --</p> <p>2 HEARING EXAMINER ROBESON: Okay. That's what I</p> <p>3 wasn't sure of.</p> <p>4 MR. CHEN: Thank you. Just tell us what the</p> <p>5 Hubers have done.</p> <p>6 MS. THOMAS: They've mounted a video camera</p> <p>7 trained at Natasha's house. They have taken an inordinate</p> <p>8 number of pictures that I've seen, you know, as I flipped</p> <p>9 through the -- I don't know what it was. It was a notebook</p> <p>10 full of the stuff they had presented to the court.</p> <p>11 HEARING EXAMINER ROBESON: To the court?</p> <p>12 MS. THOMAS: To the County to oppose her permit</p> <p>13 request. I also saw in the notebook, there had been 100</p> <p>14 letters written in support of the yoga studio. And they</p> <p>15 went through each letter and in this thing, and wrote why</p> <p>16 they objected to almost, in my recollection, almost every</p> <p>17 single one.</p> <p>18 HEARING EXAMINER ROBESON: Who is they?</p> <p>19 MS. THOMAS: The Hubers.</p> <p>20 HEARING EXAMINER ROBESON: The Hubers went</p> <p>21 through each letter?</p> <p>22 MS. THOMAS: Or the opponents. I don't actually</p> <p>23 remember who.</p> <p>24 HEARING EXAMINER ROBESON: Okay. I'm just trying</p> <p>25 to get --</p>
<p style="text-align: right;">90</p> <p>1 it was inappropriate or not. So that seemed like a question</p> <p>2 about --</p> <p>3 MR. CHEN: No.</p> <p>4 MS. THOMAS: Characterization or how I felt about</p> <p>5 somebody doing those things. I think --</p> <p>6 HEARING EXAMINER ROBESON: Wait, I'm --</p> <p>7 MS. THOMAS: Did I misunderstand the question?</p> <p>8 HEARING EXAMINER ROBESON: Backup. Backup. I --</p> <p>9 stop. I'm confused.</p> <p>10 MR. CHEN: Me too.</p> <p>11 MS. THOMAS: Me too.</p> <p>12 MR. CHEN: Me too.</p> <p>13 HEARING EXAMINER ROBESON: And so are you</p> <p>14 describing the Hubers -- is that right? Huber?</p> <p>15 MR. CHEN: Huber.</p> <p>16 HEARING EXAMINER ROBESON: Are you -- Huber. Are</p> <p>17 you describing the Huber's behavior about videotaping</p> <p>18 things?</p> <p>19 MS. THOMAS: Yes, he asked me about my --</p> <p>20 HEARING EXAMINER ROBESON: Who?</p> <p>21 MS. THOMAS: This attorney asked me about my --</p> <p>22 my reference to that.</p> <p>23 HEARING EXAMINER ROBESON: Okay. So what you're</p> <p>24 testifying to now is the Hubers' activity?</p> <p>25 MS. THOMAS: Yes, Your Honor.</p>	<p style="text-align: right;">92</p> <p>1 MS. THOMAS: The complainants or the opponents.</p> <p>2 I guess they are opponents. You know, there is an</p> <p>3 opposition, you've seen it probably, this thick. Natasha</p> <p>4 has also talked to me about, as a friend, her concern</p> <p>5 about -- it's really -- and I'm not trying to be dramatic.</p> <p>6 MR. CHEN: Excuse me, I -- the question -- pardon</p> <p>7 me.</p> <p>8 MS. THOMAS: It's really --</p> <p>9 HEARING EXAMINER ROBESON: Just, you need to</p> <p>10 stop. He's got --</p> <p>11 MR. CHEN: The question -- pardon me. The</p> <p>12 question is -- I've asked her to identify what the Hubers</p> <p>13 have done. That's what I want to know.</p> <p>14 HEARING EXAMINER ROBESON: Okay. That's what I</p> <p>15 want you to focus on. What have the Hubers done that you</p> <p>16 think is inappropriate?</p> <p>17 MS. THOMAS: I think they complained to the</p> <p>18 County before talking to their neighbor. I think they have</p> <p>19 photographed in extraordinary ways, Natasha's property and</p> <p>20 her comings and goings. I think they have just campaigned</p> <p>21 relentlessly and spent an inordinate amount of time to take</p> <p>22 her down.</p> <p>23 HEARING EXAMINER ROBESON: Okay.</p> <p>24 MS. THOMAS: And that's what I've -- that's what</p> <p>25 I've observed and that's how I perceive it.</p>



Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

24 (93 to 96)

<p>93</p> <p>1 HEARING EXAMINER ROBESON: Okay. Mr. Chen.</p> <p>2 MR. CHEN: I just want to identify -- it's the</p> <p>3 video camera trained on the Romano residence, the inordinate</p> <p>4 number of photographs, the evaluation of the 100 letters in</p> <p>5 support that criticized, the complaint to the County before</p> <p>6 talking to the neighbor, the photographs of the comings and</p> <p>7 goings, and the campaign against the application. Anything</p> <p>8 else?</p> <p>9 MS. THOMAS: I would also like to add --</p> <p>10 MR. CHEN: (Inaudible)</p> <p>11 MS. THOMAS: The -- just the palpable sense of --</p> <p>12 I don't want to say hatred, because that is such a strong</p> <p>13 word, but disdain and acrimony that just seems unnecessary</p> <p>14 and not productive.</p> <p>15 HEARING EXAMINER ROBESON: Okay.</p> <p>16 MR. CHEN: Are you aware of any instance where</p> <p>17 either Jean Huber, Craig Huber, or Lauren Huber has spoken</p> <p>18 to a neighbor to criticize Natasha Romano? I didn't say the</p> <p>19 yoga studio; to criticize Natasha Romano.</p> <p>20 MS. THOMAS: I'm not personally aware of that.</p> <p>21 MR. CHEN: No further questions.</p> <p>22 HEARING EXAMINER ROBESON: Okay. Mr. Klopman?</p> <p>23 MR. KLOPMAN: No, thank you.</p> <p>24 HEARING EXAMINER ROBESON: Okay. Thank you for</p> <p>25 coming.</p>	<p>95</p> <p>1 just proffer what you would say.</p> <p>2 MS. MACDONALD: Oh, just that I walk to yoga.</p> <p>3 HEARING EXAMINER ROBESON: Okay.</p> <p>4 MS. MACDONALD: And I live very close to her</p> <p>5 house. If it's helpful. I mean it's --</p> <p>6 HEARING EXAMINER ROBESON: Okay. Come on up.</p> <p>7 And I ask you to limit your testimony to what you've</p> <p>8 observed.</p> <p>9 MS. MACDONALD: Certainly. And if I could just</p> <p>10 mention, I have a meeting upstairs in 10 minutes. So I will</p> <p>11 be brief.</p> <p>12 HEARING EXAMINER ROBESON: Okay. Please raise</p> <p>13 your right hand. Do you solemnly affirm under penalties of</p> <p>14 perjury that the statements you are about to make on the</p> <p>15 truth, the whole truth, and nothing but the truth?</p> <p>16 MS. MACDONALD: I do.</p> <p>17 HEARING EXAMINER ROBESON: Okay. You have to</p> <p>18 state your name and address for the record.</p> <p>19 MS. MACDONALD: Sure. Lesley McDonald, and I</p> <p>20 live at 15224 Falconbridge Terrace.</p> <p>21 HEARING EXAMINER ROBESON: Okay. So what have</p> <p>22 you observed?</p> <p>23 MS. MACDONALD: I have been going to yoga,</p> <p>24 actually, I don't know how many years. I want to say at</p> <p>25 least eight, maybe more. I go to the Monday night class and</p>
<p>94</p> <p>1 MS. THOMAS: Thank you.</p> <p>2 HEARING EXAMINER ROBESON: You may be excused.</p> <p>3 MS. THOMAS: Thank you, Your Honor.</p> <p>4 HEARING EXAMINER ROBESON: Okay. Now since</p> <p>5 it's -- it -- well, let me ask you. Does this finish your</p> <p>6 case?</p> <p>7 MR. KLOPMAN: With the exception of any rebuttal</p> <p>8 that I would -- yes, it finishes my case in chief.</p> <p>9 HEARING EXAMINER ROBESON: Okay.</p> <p>10 MR. KLOPMAN: Wait a second. Oh, there's</p> <p>11 actually someone else who wants to speak. Who is here that</p> <p>12 wants to speak (inaudible)?</p> <p>13 (Crosstalk)</p> <p>14 MR. KLOPMAN: What's her name?</p> <p>15 UNIDENTIFIED SPEAKER: Lesley MacDonald.</p> <p>16 MR. KLOPMAN: Lesley MacDonald, are you here?</p> <p>17 MS. MACDONALD: Yes, I'm here.</p> <p>18 MR. KLOPMAN: Did you want to say anything?</p> <p>19 MS. MACDONALD: I can.</p> <p>20 MR. KLOPMAN: Well, I'm -- you --</p> <p>21 HEARING EXAMINER ROBESON: Well, what --</p> <p>22 MS. MACDONALD: I'm a neighbor. I go to yoga,</p> <p>23 but I also live very close to Natasha. So if that's</p> <p>24 relevant, I'm happy to (inaudible).</p> <p>25 HEARING EXAMINER ROBESON: And what would you --</p>	<p>96</p> <p>1 I'm a regular. And I also happen to live about five houses</p> <p>2 away just further down the street on Falconbridge Terrace.</p> <p>3 I always walk to yoga. And in my going to, even just that</p> <p>4 one Monday night class, there is at least, over the years,</p> <p>5 been maybe four other people, maybe five, who either walk or</p> <p>6 live very close by. Some people bike. So I just wanted to</p> <p>7 support that it is a neighborhood studio and is for the</p> <p>8 neighborhood. And my children have also, in the past, taken</p> <p>9 yoga there.</p> <p>10 HEARING EXAMINER ROBESON: Okay, that -- okay.</p> <p>11 MS. MACDONALD: And they've walked too.</p> <p>12 HEARING EXAMINER ROBESON: All right. Any</p> <p>13 questions Mr. Klopman?</p> <p>14 MR. KLOPMAN: Have you -- can you describe the</p> <p>15 impact on the neighborhood from these classes?</p> <p>16 MS. MACDONALD: I believe it's a positive impact</p> <p>17 in my experience.</p> <p>18 HEARING EXAMINER ROBESON: While --</p> <p>19 MS. MACDONALD: I mean, in terms of parking --</p> <p>20 HEARING EXAMINER ROBESON: No. Can you do this?</p> <p>21 In terms of parking?</p> <p>22 MS. MACDONALD: Yeah. I don't see a problem.</p> <p>23 And I'm a frequent walker, biker around through that area</p> <p>24 almost daily.</p> <p>25 HEARING EXAMINER ROBESON: Okay. Any other thing</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

25 (97 to 100)

<p>97</p> <p>1 you noticed? Observed?</p> <p>2 MS. MACDONALD: No. I've just seen the positive</p> <p>3 impact.</p> <p>4 HEARING EXAMINER ROBESON: Okay.</p> <p>5 MR. KLOPMAN: Have you ever had any negative</p> <p>6 impacts with any of the other neighbors?</p> <p>7 MS. MACDONALD: No.</p> <p>8 MR. KLOPMAN: Surrounded the -- near the</p> <p>9 (inaudible)?</p> <p>10 MS. MACDONALD: Not personally, no.</p> <p>11 MR. KLOPMAN: Thank you.</p> <p>12 HEARING EXAMINER ROBESON: Okay. Mr. Chen?</p> <p>13 MR. CHEN: No. No questions.</p> <p>14 HEARING EXAMINER ROBESON: Okay. You may be</p> <p>15 excused.</p> <p>16 MS. MACDONALD: Thank you.</p> <p>17 HEARING EXAMINER ROBESON: Thank you. All right.</p> <p>18 With that -- is that your final witness?</p> <p>19 MR. KLOPMAN: Yes.</p> <p>20 HEARING EXAMINER ROBESON: Yes, okay. We are</p> <p>21 going to take an hour lunch break. How many do you have?</p> <p>22 How many more witnesses do you have Mr. Chen?</p> <p>23 MR. CHEN: I think I mentioned six.</p> <p>24 HEARING EXAMINER ROBESON: Six?</p> <p>25 MR. CHEN: If I may?</p>	<p>99</p> <p>1 HEARING EXAMINER ROBESON: I was going to</p> <p>2 (inaudible) it. Obviously, if you want to stay, you can.</p> <p>3 But you can be released as well. All right. With that, we</p> <p>4 will see you back at 12:40.</p> <p>5 MR. KLOPMAN: Thank you, very much.</p> <p>6 MR. CHEN: Thank you, Your Honor -- Hearing</p> <p>7 Examiner.</p> <p>8 (Off the record 11:39 a.m.)</p> <p>9 (On the record 12:40 p.m.)</p> <p>10 HEARING EXAMINER ROBESON: Okay. Is the court</p> <p>11 reporter ready?</p> <p>12 COURT REPORTER: I am, ma'am, yes.</p> <p>13 HEARING EXAMINER ROBESON: Are the parties ready?</p> <p>14 MR. CHEN: Yes.</p> <p>15 HEARING EXAMINER ROBESON: I will disclose that</p> <p>16 when I was outside just now, I -- is that Mr. Huber in the</p> <p>17 (inaudible)?</p> <p>18 UNIDENTIFIED SPEAKER: Yes.</p> <p>19 HEARING EXAMINER ROBESON: He asked me how to</p> <p>20 turn the heat down. So I'm just disclosing that we had that</p> <p>21 conversation.</p> <p>22 UNIDENTIFIED SPEAKER: The air conditioning.</p> <p>23 HEARING EXAMINER ROBESON: Just for the heads up.</p> <p>24 We are having renovations in the building and so the heat</p> <p>25 and the cooling system works sporadically. Okay. With</p>
<p>98</p> <p>1 HEARING EXAMINER ROBESON: Yes. Can I stop you?</p> <p>2 MR. CHEN: You always do.</p> <p>3 HEARING EXAMINER ROBESON: I'm too -- I know. Go</p> <p>4 ahead.</p> <p>5 MR. CHEN: It wouldn't be the first time. I've</p> <p>6 inquired of the gentleman to my left who is --</p> <p>7 HEARING EXAMINER ROBESON: The court reporter.</p> <p>8 MR. CHEN: The court reporter. He tells me that</p> <p>9 he has got no limitations on time.</p> <p>10 HEARING EXAMINER ROBESON: Okay.</p> <p>11 MR. CHEN: All right. And certainly, I</p> <p>12 acknowledge that Mr. Klopman has the right for rebuttal,</p> <p>13 but --</p> <p>14 HEARING EXAMINER ROBESON: Well, we are going to</p> <p>15 keep going as long as we can. I'm going to do a full hour's</p> <p>16 lunch because every time I try to cut it short, everybody is</p> <p>17 late. I don't know how that works, but I've tried it</p> <p>18 several times and I'm just going to say an hour. So now it</p> <p>19 is 11:40. If everyone can return at 12:40, Mr. Chen is</p> <p>20 going to -- the Huber -- or the opposition is going to begin</p> <p>21 their case. And those who testified this morning, they can</p> <p>22 be released. You are free. You can stay. You don't need</p> <p>23 to stay. I just want to make that clear. You can be</p> <p>24 released, all right. And Mr. Yanoshik --</p> <p>25 MR. YANOSHIK: Yanoshik.</p>	<p>100</p> <p>1 that, we are back on the record. And Mr. Chen, I believe</p> <p>2 it's your first witness.</p> <p>3 MR. CHEN: Thank you, very much. I have an</p> <p>4 opening statement.</p> <p>5 HEARING EXAMINER ROBESON: You didn't already</p> <p>6 give it?</p> <p>7 MR. CHEN: No.</p> <p>8 HEARING EXAMINER ROBESON: Okay.</p> <p>9 MR. CHEN: No. Two things; just a correction on</p> <p>10 the -- we discovered a -- the typo, error, on exhibit number</p> <p>11 45.</p> <p>12 HEARING EXAMINER ROBESON: Oh, and if anyone has</p> <p>13 any other questions on the air-conditioning, you can go and</p> <p>14 talk to Nana Johnson in our office. Okay. I'm there.</p> <p>15 MR. CHEN: So on page 3, I believe there is a</p> <p>16 footnote.</p> <p>17 HEARING EXAMINER ROBESON: Yes, I see the</p> <p>18 footnote.</p> <p>19 MR. CHEN: Strike Huber.</p> <p>20 HEARING EXAMINER ROBESON: Huber?</p> <p>21 MR. CHEN: Yeah.</p> <p>22 HEARING EXAMINER ROBESON: Okay. Huber and?</p> <p>23 MR. CHEN: No, just -- well, yeah. Yes. And I</p> <p>24 think in the terms of -- or the verb after it becomes has</p> <p>25 instead of have.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

26 (101 to 104)

<p>101</p> <p>1 HEARING EXAMINER ROBESON: Do you have any 2 objection to that Mr. Klopman? 3 MR. KLOPMAN: Can you read -- just so I 4 understand it, can you read out what you are saying it is 5 corrected to? 6 HEARING EXAMINER ROBESON: Sure. 7 MR. CHEN: Yes. Let me have your -- I think you 8 have -- let me see it. Give me one second. So it should 9 read: it is noted that the Woodhouse household is not the 10 only neighbor who has filed complaints with DPS. 11 MR. KLOPMAN: So you've changed it to singular 12 essentially? 13 HEARING EXAMINER ROBESON: He is striking Huber 14 and -- 15 MR. KLOPMAN: Making it singular. 16 HEARING EXAMINER ROBESON: And then -- yeah. 17 MR. KLOPMAN: Okay, got it. 18 HEARING EXAMINER ROBESON: Is that correct? Is 19 that what you want to do? 20 MR. CHEN: Correct. 21 HEARING EXAMINER ROBESON: Okay. All right. 22 MR. CHEN: By way of a very short opening -- 23 HEARING EXAMINER ROBESON: Thank you. Keep 24 saying short. 25 MR. CHEN: Okay.</p>	<p>103</p> <p>1 HEARING EXAMINER ROBESON: Well -- okay. Go 2 ahead. I'm sorry. 3 MR. CHEN: I'm not going to go to the whole 4 thing, but this is a legal issue that is a predicate even 5 before you get into the activities that -- 6 HEARING EXAMINER ROBESON: So is this a 7 memorandum? 8 MR. CHEN: It's a memo going through the 9 ordinance provisions. 10 MR. KLOPMAN: Isn't that not evidence, but a -- 11 MR. CHEN: Yes. 12 MR. KLOPMAN: Your Honor, when I -- when you want 13 to hear for me, tell me and I will -- 14 HEARING EXAMINER ROBESON: No, I do. I was 15 getting ready to turn to you. 16 MR. KLOPMAN: Well, Your Honor, this is a legal 17 argument. You know, I should -- I haven't had a chance to 18 digest it or research it or think about it. You know, as 19 you probably know, my experience in this Miller you is kind 20 of limited. I have -- 21 HEARING EXAMINER ROBESON: No, I didn't know. 22 MR. KLOPMAN: Yeah, this is my first case before 23 you (inaudible) in my 38 years. This is not something that 24 I do regularly or ever. So I would like the chance to be 25 able to think about it, research it. I mean, this isn't</p>
<p>102</p> <p>1 UNIDENTIFIED SPEAKER: What your next exhibit 2 number? 3 HEARING EXAMINER ROBESON: I have 90. 4 MR. KLOPMAN: That's 90. The next one -- 5 HEARING EXAMINER ROBESON: Wait a minute. Wait a 6 minute. 7 UNIDENTIFIED SPEAKER: (Inaudible). 8 HEARING EXAMINER ROBESON: I have the wrong file 9 here. 91. 10 MR. CHEN: Mdm. Examiner, the only (inaudible) 11 I'm going to give you, because I don't want to get into 12 testimony. There is a legal issue that has to be addressed 13 up front with -- on behalf of my clients. If you recall 14 from the transcript of the first day of the hearing, the 15 Hearing Examiner on a number of occasions, made reference to 16 the fact that the proposed use, a yoga studio, is a 17 commercial use. 18 HEARING EXAMINER ROBESON: Yes. 19 MR. CHEN: Now, I think he may have picked up on 20 that because in our filing we referred to it as a commercial 21 use, all right. 22 HEARING EXAMINER ROBESON: Yes. 23 MR. CHEN: I'm handing you a document now that is 24 exhibit number 91, which explains that under the Montgomery 25 county zoning orders, a yoga studio is expressly --</p>	<p>104</p> <p>1 a -- this is an evidence. This is a legal document. 2 MR. CHEN: That's why it's proffered. 3 HEARING EXAMINER ROBESON: Well, I disagree that 4 it should be marked as an exhibit. 5 MR. CHEN: I don't have a problem with it. 6 HEARING EXAMINER ROBESON: And we typically do 7 except legal arguments. But we can -- I mean, you -- I'm 8 going to let him explain the legal argument. I'm not taking 9 the memo in as an exhibit. 10 MR. CHEN: Are you -- well, what does that mean? 11 If I may ask. I mean, I -- 12 HEARING EXAMINER ROBESON: I could -- yeah, I 13 know. I'll tell you what. I will mark it just because we 14 take everything in. In zoning cases, we take everything in 15 as exhibits. 16 MR. CHEN: I understand. 17 HEARING EXAMINER ROBESON: So I will take it in 18 as an exhibit, but it is legal argument. So I will note 19 that and with the weight that it deserves. 20 MR. CHEN: Okay. 21 HEARING EXAMINER ROBESON: So it will be 91. And 22 that is true. We typically take everything in. We don't 23 have a separate docket versus hearing exhibits. So this is 24 a memorandum entitled, no conditional use. 25 MR. CHEN: In that regard -- and that is why I</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

27 (105 to 108)

<p>105</p> <p>1 asked your exhibit number. Because my experience is that, 2 notwithstanding, it is not factual information that memos 3 and even zoning (inaudible). 4 HEARING EXAMINER ROBESON: Yes, we take -- 5 MR. CHEN: I could give you excerpts (inaudible) 6 to get marked. 7 HEARING EXAMINER ROBESON: That's correct. 8 MR. CHEN: The bottom line on this, where I'm 9 going with this, is that the zoning ordinance expressly 10 recognizes that a yoga studio is a commercial use. 11 HEARING EXAMINER ROBESON: Where does it 12 expressly recognizes that? 13 MR. CHEN: It is in section 59. Again, I know we 14 referred to the new zoning ordinance. But my assumption is 15 you should always have 59 in front of the section number. 16 HEARING EXAMINER ROBESON: Oh, you still do that. 17 MR. CHEN: Yeah. 18 HEARING EXAMINER ROBESON: But I leave it out 19 because the numbers us along. Go ahead. 20 MR. CHEN: Okay. It's 59.3.5.10.E. 21 HEARING EXAMINER ROBESON: Okay. 22 MR. CHEN: That is entitled, health clubs and 23 facilities. And it is in division 3.5, which are the 24 commercial uses in the zoning ordinance. A health club's 25 and facility's use, commercial use, is defined as; health</p>	<p>107</p> <p>1 (Crosstalk) 2 HEARING EXAMINER ROBESON: Okay. All right. 3 MR. CHEN: And yes, this is a legal issue that is 4 present in this time because my clients' position is, this 5 matter should be summarily disposed of now because it's a 6 matter of law. This type of use cannot be a home occupation 7 in the R200 zone. And that is the memo that I've given you 8 that goes to that point. I will also referred the Court -- 9 referred the Examiner to the use table in division 3.1 of 10 the zoning ordinance. And it's -- 11 HEARING EXAMINER ROBESON: 3.1.6? 12 MR. CHEN: Yeah, and I'm -- can I give you 91B? 13 HEARING EXAMINER ROBESON: No. Okay. Hand up 14 91B, you have copies for Mr. Klopman? 15 MR. CHEN: Yes. I've been -- yes, I've been 16 doing that. 17 HEARING EXAMINER ROBESON: Okay. I'm glad. 18 Okay. 91B is excerpts from article 593. 19 MR. CHEN: Division 3.1. 20 HEARING EXAMINER ROBESON: Division 3.1. 21 MR. CHEN: And if the Examiner will just bear 22 with me. Exhibit 91B is an excerpt from division 3.1 23 including section 3.1.6, which is the use table. And the 24 excerpts that you have, you will see that I've given you the 25 portion of the code that has commercial uses. And you will</p>
<p>106</p> <p>1 clubs and facilities means any establishment designed to 2 enhance the physical conditioning and general health of 3 participants. Health clubs and facilities includes dance, 4 martial arts, and yoga studios. Now consequently, the use 5 that is before you in this proceeding is a commercial use. 6 And the -- 7 HEARING EXAMINER ROBESON: Now, I'm taking this 8 exhibit and not as proof as anything, only as argument. 9 MR. KLOPMAN: Thank you, Your Honor. 10 MR. CHEN: Mdm. Examiner, I'm handing you the 11 code sections that I have just referenced. 12 HEARING EXAMINER ROBESON: Thank you. Is this 13 92? 14 MR. CHEN: My suggestion is 91A, maybe. 15 HEARING EXAMINER ROBESON: Okay. 16 MR. CHEN: And if it may please Your Honor, 17 whatever the Examiner wants to do. 18 HEARING EXAMINER ROBESON: So it will be code 19 references from memo? 20 MR. CHEN: Are you making 92 or 91A? 21 HEARING EXAMINER ROBESON: 91A. 22 MR. CHEN: Now, in conjunction with that, if you 23 go (inaudible). 24 HEARING EXAMINER ROBESON: Where is home 25 occupation listed on the use classification --</p>	<p>108</p> <p>1 note that under those commercial uses, if the last page of 2 the excerpt. Highlighted it is, health clubs and 3 facilities. And if you look at that chart and you go to the 4 R200 zone, you will see that there is a blank cell 5 (inaudible). And when you read 3.1.1D, it states that a 6 blank cell, a blank cell indicates that a use is prohibited 7 in the zone. So that -- in this particular case, this use 8 is not merely not allowed. You know, some people might say 9 that. Under the language, the expressed language of the 10 zoning ordinance, it is a prohibited use in this zone. And 11 that is controlling this proceeding. There are other issues 12 that we are going to come to today and you're going to hear 13 witnesses from. 14 HEARING EXAMINER ROBESON: Well, let me ask you. 15 I mean, what if it's a home beauty studio? Is that 16 prohibited in this zone? 17 MR. CHEN: I don't know if it's defined 18 expressly. I know that this case deals with yoga studios. 19 That is what is the is for you. There well may be uses that 20 are permitted as conditional uses. And to that point, if I 21 may -- I have more on this as we go along, but right now the 22 law is, and as I just said, there may be other defined uses 23 in the zoning ordinance that are in a similar position as a 24 yoga studio. There may be. I did not endeavor to go to the 25 entire zoning ordinance. And I will tell you that there are</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

28 (109 to 112)

<p>109</p> <p>1 uses that are recognized in the zoning ordinance as</p> <p>2 permissible conditional uses. And under -- we will come to</p> <p>3 this. Under my reading of the zoning ordinance -- what's --</p> <p>4 it's 91C?</p> <p>5 HEARING EXAMINER ROBESON: Yes.</p> <p>6 MR. CHEN: I might as well -- I'm handing you</p> <p>7 what I've marked as 91C, which is section 593.3.3H.5.</p> <p>8 MR. KLOPMAN: Do I have it? Can I get a copy?</p> <p>9 MR. CHEN: I'm not done.</p> <p>10 (Crosstalk)</p> <p>11 MR. CHEN: Just identifying it for the record.</p> <p>12 Which is the zoning ordinance provision for home</p> <p>13 occupations, major impact. Under that zoning ordinance</p> <p>14 provision a home occupation, major impact has two critical</p> <p>15 requirements. And the language states that you have to have</p> <p>16 two nonresident employees in any 24-hour period, and is</p> <p>17 regulated under section 7.3.1 entitled, conditional use. In</p> <p>18 other words, literally, aside from the issue that this use</p> <p>19 is prohibited in the R200 zone by -- I mean, that's plain --</p> <p>20 the legislative language. Consistent with that, is that</p> <p>21 under a definition for a major home occupation, it must be</p> <p>22 for a use that is regulated under section 7.3.1.</p> <p>23 HEARING EXAMINER ROBESON: But it is regulated --</p> <p>24 MR. CHEN: Excuse me.</p> <p>25 HEARING EXAMINER ROBESON: In this application.</p>	<p>111</p> <p>1 right? So only something that is a conditional use in a</p> <p>2 R200 zone can be a major home occupation.</p> <p>3 MR. CHEN: In that zone.</p> <p>4 HEARING EXAMINER ROBESON: That's your argument?</p> <p>5 MR. CHEN: In that zone, yes.</p> <p>6 HEARING EXAMINER ROBESON: I'm just taking this</p> <p>7 as -- this is what you called your opening statement.</p> <p>8 MR. CHEN: Yeah.</p> <p>9 HEARING EXAMINER ROBESON: So that's what you</p> <p>10 are --</p> <p>11 MR. CHEN: Yes, because this is a legal issue</p> <p>12 that, respectfully, is a matter that should be controlling</p> <p>13 on the Hearing Examiner's examination that is before it.</p> <p>14 You can apply for anything for you want. Whether or not you</p> <p>15 can obtain that particular use by the vehicle of the</p> <p>16 application going in this case, conditional use, is</p> <p>17 dependent upon the language in the zoning ordinance. In</p> <p>18 this particular case, under the language of the zoning</p> <p>19 ordinance, quite simply, this use may not be a conditional</p> <p>20 use for multiple reasons that I've just identified. You</p> <p>21 know, I know you're not going to rule on this today.</p> <p>22 HEARING EXAMINER ROBESON: No.</p> <p>23 MR. CHEN: I understand that. But respectfully,</p> <p>24 it is my client's position that, out-of-the-box, to use an</p> <p>25 expression, this application, lawfully, cannot be approved</p>
<p>110</p> <p>1 I will let you finish your argument. Finish your argument.</p> <p>2 MR. CHEN: Okay. I'm going by the law.</p> <p>3 HEARING EXAMINER ROBESON: Okay.</p> <p>4 MR. CHEN: Not the application.</p> <p>5 HEARING EXAMINER ROBESON: Okay.</p> <p>6 MR. CHEN: The application is not meritorious in</p> <p>7 this regard.</p> <p>8 HEARING EXAMINER ROBESON: So are you --</p> <p>9 MR. CHEN: Thank you.</p> <p>10 HEARING EXAMINER ROBESON: So your argument is --</p> <p>11 MR. CHEN: Can I just finish this one point?</p> <p>12 HEARING EXAMINER ROBESON: Yes.</p> <p>13 MR. CHEN: I apologize, but may I? This use is</p> <p>14 not regulated at all in any zone under section 7.3.1. And</p> <p>15 if you again, go back to the use statement, you will see</p> <p>16 that this particular use, straight across the board, is</p> <p>17 never permitted as a conditional use. So the -- and that is</p> <p>18 consistent. That is consistent with the other provision in</p> <p>19 the zoning ordinance that this particular use is literally</p> <p>20 prohibited in the R200 zone.</p> <p>21 HEARING EXAMINER ROBESON: So you are saying only</p> <p>22 something --</p> <p>23 MR. CHEN: That is recognized.</p> <p>24 HEARING EXAMINER ROBESON: That is a conditional</p> <p>25 use can also be a major -- no. It would be -- this is R200,</p>	<p>112</p> <p>1 regardless of the facts, regardless of the issues you've</p> <p>2 heard about today. You know, parking and things like that.</p> <p>3 We're going to address those, and we think that this</p> <p>4 application needs to be denied for those reasons as well.</p> <p>5 But right out of the box, when you read the language on it,</p> <p>6 it is what we have just argued or stated to the examiner.</p> <p>7 With that that's okay. I mean, with that, I am going to</p> <p>8 call my first witness with the permission of the examiner.</p> <p>9 HEARING EXAMINER ROBESON: All right. Go ahead.</p> <p>10 MS. WOODHOUSE: So I'm going to up now?</p> <p>11 MR. CHEN: Yeah.</p> <p>12 HEARING EXAMINER ROBESON: I am going to give you</p> <p>13 a chance to respond to this probably -- let me hear the rest</p> <p>14 of the testimony. But probably in writing.</p> <p>15 MR. KLOPMAN: I will try not to delay things.</p> <p>16 HEARING EXAMINER ROBESON: Well, I just want you</p> <p>17 to know that I'm not forgetting you over here.</p> <p>18 MR. KLOPMAN: Thank you.</p> <p>19 HEARING EXAMINER ROBESON: Okay. I am taking it</p> <p>20 in, but I'm --</p> <p>21 MR. CHEN: Well, I don't -- I'm not (inaudible)</p> <p>22 but I am going to state that Mr. Klopman says he is</p> <p>23 inexperienced in this type of manner and that type of thing.</p> <p>24 Lawyers present law, including in writing, do administrative</p> <p>25 boards and cores all the time.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

29 (113 to 116)

<p>113</p> <p>1 HEARING EXAMINER ROBESON: I understand.</p> <p>2 MR. KLOPMAN: I just -- I --</p> <p>3 HEARING EXAMINER ROBESON: No, I -- don't go</p> <p>4 there. Everybody settled down. Okay. Mr. Chen, let's take</p> <p>5 your first witness.</p> <p>6 MR. CHEN: Thank you. Mme., would you please</p> <p>7 identify yourself? And including that, your address?</p> <p>8 MS. MACDONALD: My name is Elizabeth Carol</p> <p>9 Woodhouse. I live at 12633 Falconbridge Drive. My husband</p> <p>10 and I own our own.</p> <p>11 MR. CHEN: And how --</p> <p>12 MS. MACDONALD: We've lived there --</p> <p>13 HEARING EXAMINER ROBESON: Just, can you raise</p> <p>14 your --</p> <p>15 MS. MACDONALD: Oh, sorry.</p> <p>16 HEARING EXAMINER ROBESON: Can you raise your</p> <p>17 right hand? Do solemnly affirm under penalties of perjury</p> <p>18 that the statement you are about to make are the truth, the</p> <p>19 whole truth, and nothing but the truth?</p> <p>20 MS. MACDONALD: Yes.</p> <p>21 HEARING EXAMINER ROBESON: Okay. Go ahead.</p> <p>22 MR. CHEN: Again, just for the record, would you</p> <p>23 please identify yourself including your address?</p> <p>24 MS. MACDONALD: My name is Elizabeth Carol</p> <p>25 Woodhouse. I live at 12633 Falconbridge to Drive. My</p>	<p>115</p> <p>1 it with my car odometer, and it's about .2 miles away from</p> <p>2 the yoga studio just off Bravenhurst (phonetic) Lane</p> <p>3 MR. KLOPMAN: Your Honor, is she testifying offer</p> <p>4 notes?</p> <p>5 HEARING EXAMINER ROBESON: Did you prepare those</p> <p>6 notes?</p> <p>7 MS. MACDONALD: I -- I did prepare notes.</p> <p>8 HEARING EXAMINER ROBESON: Did you have anyone</p> <p>9 else help you?</p> <p>10 MS. MACDONALD: No, at this -- I've discussed</p> <p>11 what my testimony will be, but I prepared them myself.</p> <p>12 MR. KLOPMAN: (Inaudible).</p> <p>13 HEARING EXAMINER ROBESON: Yeah, and they let</p> <p>14 her -- she can testify from her own notes.</p> <p>15 MR. KLOPMAN: Okay.</p> <p>16 HEARING EXAMINER ROBESON: She can't testify from</p> <p>17 Mr. Chen's notes.</p> <p>18 MR. KLOPMAN: Okay.</p> <p>19 HEARING EXAMINER ROBESON: But she can testify</p> <p>20 from her own notes.</p> <p>21 MS. MACDONALD: These are mine (inaudible).</p> <p>22 HEARING EXAMINER ROBESON: Okay.</p> <p>23 MS. MACDONALD: Okay. So we are talking about</p> <p>24 the community. So there are lots of kids in the community,</p> <p>25 in the neighborhood. And there is an elementary school</p>
<p>114</p> <p>1 husband and I own our home.</p> <p>2 MR. CHEN: How long have you lived there?</p> <p>3 MS. MACDONALD: We've lived there since October</p> <p>4 2001. So about 17 ½ years.</p> <p>5 MR. CHEN: And where is your residence? That</p> <p>6 dwelling in relationship to the Romano residence??</p> <p>7 MS. MACDONALD: My residence is directly across</p> <p>8 the street from the Romano residence. I am a confronting</p> <p>9 property owner.</p> <p>10 MR. CHEN: And you live in the fossils nor</p> <p>11 subdivision, is that right?</p> <p>12 MS. MACDONALD: Yes, that's correct.</p> <p>13 MR. CHEN: That's been identified previously?</p> <p>14 MS. MACDONALD: Yes.</p> <p>15 MR. CHEN: Okay. Could you please describe the</p> <p>16 (inaudible) briefly?</p> <p>17 MS. MACDONALD: Okay.</p> <p>18 MR. CHEN: We've heard some, but just describe it</p> <p>19 for us.</p> <p>20 MS. MACDONALD: All right. So briefly, it's an</p> <p>21 area of North Potomac with close boundaries to (inaudible)</p> <p>22 Potomac, Gaithersburg, depending on what direction go. Most</p> <p>23 of the homes are two-story colonial times on about 1/3 Bd.</p> <p>24 There is a townhouse area that is near the yoga studio,</p> <p>25 which was discussed last time, how close it is. I measured</p>	<p>116</p> <p>1 close by, which is Jones Lane. I did try to measure the</p> <p>2 distance to Jones Lane, because that also came up -- if it's</p> <p>3 faraway or not. But actually, from driving from my house,</p> <p>4 which is directly in front of the yoga studio, the odometer</p> <p>5 still said zero when I get to the school.</p> <p>6 MR. CHEN: Okay.</p> <p>7 MS. MACDONALD: And if you keep driving to the</p> <p>8 school bus entrance, then it's .1. So -- and a lot of kids</p> <p>9 play outside. A lot of kids play in the yards. A lot of</p> <p>10 kids walk to the school to play or to the neighborhood park.</p> <p>11 And there are kids outside pretty much any time after school</p> <p>12 or on weekends. I have a lot of days off. They have</p> <p>13 summers off. So there are a lot of kids playing outside.</p> <p>14 So that is a concern of mine. And there are also a lot of</p> <p>15 walkers out; people who walk for exercise in the</p> <p>16 neighborhood. People walk their pets. So there are a lot</p> <p>17 of kids outside and kids that ride their bikes as well. So</p> <p>18 I guess in summary, I would say it's a vibrant community.</p> <p>19 It's tranquil. And for residents, it's really an oasis from</p> <p>20 our busy workplaces or commercial centers.</p> <p>21 MR. CHEN: What has been your experience with the</p> <p>22 Romano yoga studio?</p> <p>23 MS. MACDONALD: So the yoga studio operations</p> <p>24 have been very disruptive for my family. The business, the</p> <p>25 way it works is there are large people to come -- large</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

30 (117 to 120)

<p>117</p> <p>1 groups of people that come all at once to the site. And 2 actually, and neighborhood resident who does a couple of 3 blocks away, who I never said anything about the yoga 4 studio, asked me over two years ago how we can stand living 5 so close to the studio. And that really made me realize 6 it's not just me and how it disrupts us, but it's something 7 that affects -- can affect the value of our home, 8 potentially, if other people that just drive by see it as 9 something that would really be bad to live next to. So the 10 car's line is three in front of our house. They often park 11 not just in front of the yoga studio, but alongside our 12 property line as well, or alongside of our property. And, 13 of course, is not only does the parking isn't just there for 14 the yoga customers. It's -- you know, the neighbors need to 15 park too. So when you have one or two never cars in front 16 of the property on either side, then quickly a few cars 17 parking there can fill the whole area and it creates a 18 bottleneck. And I have observed this both on Falconbridge 19 Drive and on Falconbridge Terrace. So when there are cars 20 that are part of the travel lanes, it makes the traffic flow 21 have problems. And people have to wait the pass in the 22 spaces that exist because it might just be one car to go 23 through. So we can disrupt the flow. And one of the 24 residents of Falconbridge Terrace Jack (inaudible), he 25 mentions, and he has talked to me as well, but he mentions</p>	<p>119</p> <p>1 the coming down the street on Falconbridge Drive. So she 2 actually had a close call and almost had an accident because 3 she had to pull in the Falconbridge Drive for cars are 4 traveling. There's no stop sign for them. So she was 5 almost hit or hit -- almost collided with a car there. As 6 far as the stacks of driveway parking, this creates a wall 7 of cars and it's not what you would expect to see in a 8 residential neighborhood. And when the studio started 9 barking that way, which has come up, that previously they 10 did not park in the driveway at all. And after the citation 11 there started to be some cars parking there, some on the 12 street. But now, as mentioned, there are a lot of cars in 13 the driveway. And it's not what you would normally see; a 14 car just packed to the brim. And I actually saw a runner 15 coming by, one of the first days, and they just stopped and 16 pulled out her phone and took a picture. I mean, it just 17 looks unusual. A letter submitted to OZHA by a resident of 18 Falconbridge Terrace, Susan Hayashi; this is Exhibit 22D -- 19 22T, excuse me -- mentions that a driveway full of cars 20 during yoga class at the Romano residence blocks visibility 21 for her family as their -- the visibility of the oncoming 22 traffic. And she talks about the problems this has caused 23 for her family. So also, the stacked parking leaves 24 customers boxed in, that they are unable to leave the site 25 until the cars that are behind them depart. And they are</p>
<p>118</p> <p>1 in his letter to OZHA, which is Exhibit 22Q, that he has had 2 a problem with the delivery truck reaching his home due to 3 the yoga studio parking on Falconbridge Terrace. Another 4 residence of Falconbridge Terrace, Amir (inaudible), who 5 talked to me, but he also submitted a letter to OZHA, and 6 that's Exhibit 22E, he does in his letter, he describes how 7 the yoga customers were standing next to their parked cars 8 on the street chatting and blocked the through traffic with 9 the cars and the people in the street. And he does what he 10 told me was that he asked customers to -- that were standing 11 in the street, to move out of the way, so that he could 12 drive through and go to work. And the customers that were 13 talking told him to wait, that he would be done talking to 14 them. So that's what we're saying is varies frustrating to 15 residents who we are just trying to live our normal lives. 16 There is a loss of visibility to oncoming traffic on 17 Falconbridge Drive for my family as we try and get out of 18 our driveway when there are cars parked along the street 19 filling the entire street. When we start getting close to 20 the street, we can see if a car is coming or not. Rachel 21 (inaudible), another resident from Falconbridge Terrace, 22 Doctor me about an experience that she's been having with 23 lots of visibility which is coming out of the cul-de-sac on 24 Falconbridge Terrace alongside the yoga studio, that when 25 you get to the stop sign there, you can't see the cars of</p>	<p>120</p> <p>1 sometimes delayed when they stay to chat after class. Also, 2 I have seen on occasion were sometimes people will arrive 3 where the earlier classes on schedule, in the session. So 4 that creates some problems. And I want to point out that 5 the parking, there is absolutely no screening whatsoever of 6 the parking on the property. It's just a wall of callers on 7 the corner lot as you enter the neighborhood. And I don't 8 see how it could be screened without causing further 9 problems of visibility at the intersection. So as far as 10 the safety related concerns from the movements of the cars 11 when they come or leave, with the customers, leave the 12 classes, there are separate issues there. Sometimes the 13 driveway can be chaotic immediately after class. And I have 14 seen cars maneuvering simultaneously within the driveway. 15 And that's complicated by the traffic that's on the street 16 too. It is that said that's great a bit of a chaotic scene. 17 And then at the same time, when there are customers on the 18 street as well, that is happening in the driveway. And 19 also, cars on the streets or turn around. So that's and I 20 have seen cars pulled into the neighbor's driveway is many 21 times, including mine, to turn around. And when it's dark 22 outside, this actually shines car lights into our house. So 23 I have, furthermore, seen cars doing three point turns in 24 the streets. I've even seen a car driving and reverse along 25 the entire length of the property to back into the Romano's</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

31 (121 to 124)

<p>121</p> <p>1 driveway, again, shining lights in the -- so just a lot of 2 maneuvers that are really not safe for neighborhood 3 situation, setting. And I -- because of all these, I do 4 have concerns about kids, including my own children and 5 other residents or walkers that are in the neighborhood. 6 MR. CHEN: Exhibit 45 -- 7 MS. WOODHOUSE: Yes. This is the history of the 8 Where One Studio violations. 9 MR. CHEN: Who prepared this? 10 MS. WOODHOUSE: I prepared this. 11 MR. CHEN: And the words in it are your words and 12 the documents were documents that you had assembled or 13 found? 14 MS. WOODHOUSE: Yes. 15 MR. CHEN: Okay. What is Exhibit 45? 16 MS. WOODHOUSE: Exhibit 45 shows -- so it 17 presents the information from the public record of the 18 county DPS and its District Court. And it documents the 19 zoning violations of the Romano yoga studio. It includes 20 complaints, the inspections, violations, citations, and an 21 order of abatement that was issued by the district court of 22 Maryland for Montgomery County. So the first violation, the 23 one that you can see here, was on January 2017. And if you 24 look at the description, it states that many classes of 10 25 to 12 people were being held each week and there was no home</p>	<p>123</p> <p>1 transcript. No, I have never been to court. So I would say 2 this is not forthcoming and in contrast to a letter 3 submitted by DPS to OZHA, which is Exhibit 70 that states 4 DPS prevailed in district court on 8/21/2018, Ms. Natasha 5 Romano was found guilty. So there -- it was another 6 complaint, DPS complaint, following the abatement order in 7 2019. This complaint was not investigated according to the 8 DPS website. And -- 9 HEARING EXAMINER ROBESON: When was the one you 10 just mentioned? When was that date? 11 MS. WOODHOUSE: January 2019. Let me get the 12 exact date. 13 HEARING EXAMINER ROBESON: Well, it's okay. As 14 long as I know it was January 2019, I can -- 15 MS. WOODHOUSE: January 2019. 16 HEARING EXAMINER ROBESON: Okay. 17 MS. WOODHOUSE: So and I also wanted to it that 18 the summary of the public record does not include inspection 19 by DPS in October 2018, which was well after the abatement 20 order was issued. DPS staff informed me that Ms. Romano was 21 found in violation of the home occupation limits on October 22 4, 2018 and was issued a warning for that violation. 23 HEARING EXAMINER ROBESON: When was that? 24 MS. WOODHOUSE: That was October 4, 2018. 25 HEARING EXAMINER ROBESON: Is that in your</p>
<p>122</p> <p>1 occupation certificate at that time. Then later, there are 2 violations found by DPS of the home studio that exceeded the 3 limits within May 2017, and then again on July 2017. And 4 that's on page 2. And after that, a civil citation was 5 issued in April 2018 for exceeding home occupation limits 6 and there is also a copy of the abatement order issued to 7 Ms. Romano on August 21, 2018. I would just note that these 8 documents are here, but on day one of the hearing, Mr. Chen, 9 you asked Ms. Romano whether Montgomery county took her to 10 court for home occupation violations. 11 MR. KLOPMAN: Your Honor, I would object. Now 12 she is commenting on testimony that happened at the first 13 hearing. 14 MR. CHEN: She can comment on -- 15 HEARING EXAMINER ROBESON: Just a second. What 16 are you going to say? 17 MS. WOODHOUSE: That her answer is not 18 forthcoming considering the documents (inaudible). 19 HEARING EXAMINER ROBESON: Okay. I'm going to 20 allow that. That's fair to say. 21 MS. WOODHOUSE: Okay. 22 HEARING EXAMINER ROBESON: Go ahead. 23 MS. WOODHOUSE: So when asked whether Montgomery 24 county took her to court for home occupation violations, her 25 answer of, no -- and I'm quoting here from page 58 of the</p>	<p>124</p> <p>1 Exhibit 45? 2 MS. WOODHOUSE: It is -- I think it's -- 3 HEARING EXAMINER ROBESON: It's okay. I will 4 look. 5 MS. WOODHOUSE: I don't -- I don't think it's in 6 the exhibit. 7 HEARING EXAMINER ROBESON: Okay. Is that a 8 citation or a warning? 9 MS. WOODHOUSE: A warning. 10 HEARING EXAMINER ROBESON: Okay. 11 MR. CHEN: What is Exhibit 79A? Again, you 12 prepared this document? Do you have it? 13 MS. WOODHOUSE: I have a here. I have to -- 14 okay. So 79A is -- 15 MR. CHEN: Identify it. 16 MS. WOODHOUSE: So it is entitled, staff 17 parking/reduced visibility for residents when leaving 18 Falconbridge Terrace. And what this -- 19 MR. CHEN: You -- part of me. 20 HEARING EXAMINER ROBESON: Now, do you have any 21 objection to these coming in the record? 22 MR. KLOPMAN: Yeah, I do. I mean, I -- 23 HEARING EXAMINER ROBESON: Ma'am, can you please, 24 for the record, I'm speaking to our assistant. Can you make 25 it warm? A little warmer question mark I'm chattering here.</p>



Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

32 (125 to 128)

<p>125</p> <p>1 Okay. Go ahead Mr. Klopman.</p> <p>2 MR. KLOPMAN: Which one are you referring to?</p> <p>3 MR. CHEN: 79.</p> <p>4 MS. WOODHOUSE: 79A.</p> <p>5 MR. CHEN: I haven't even had it identified yet.</p> <p>6 MS. WOODHOUSE: It's on --</p> <p>7 HEARING EXAMINER ROBESON: So she laying the --</p> <p>8 is what she is doing right now laying the foundation for</p> <p>9 them?</p> <p>10 MR. CHEN: She is --</p> <p>11 MS. WOODHOUSE: They were submitted already.</p> <p>12 HEARING EXAMINER ROBESON: I know, but that</p> <p>13 doesn't necessarily --</p> <p>14 MR. CHEN: These are documents that she has</p> <p>15 prepared based on her observations of the operations at the</p> <p>16 site, the yoga studio.</p> <p>17 HEARING EXAMINER ROBESON: Right.</p> <p>18 MR. CHEN: That -- and that's what she -- on</p> <p>19 property what she's going to say. This is her product.</p> <p>20 HEARING EXAMINER ROBESON: Okay. Do you have any</p> <p>21 objections?</p> <p>22 MR. KLOPMAN: I think it's cumulative, Your</p> <p>23 Honor. I mean, we arty have a ton of pictures in the</p> <p>24 record.</p> <p>25 HEARING EXAMINER ROBESON: Well, I don't have</p>	<p>127</p> <p>1 in the garage. You will note that before -- early in the</p> <p>2 morning, the cars, the Romano cars are in the driveway, in</p> <p>3 the garage. Before the class starts, one car is moved to</p> <p>4 the street and parked on the street into the area of the</p> <p>5 street that day, and application are claiming for their</p> <p>6 parking for the studio.</p> <p>7 MR. CHEN: That's the second photo (inaudible).</p> <p>8 MS. WOODHOUSE: That's the second photograph.</p> <p>9 And then the third photograph shows during the time when the</p> <p>10 class is in session and you can see with -- there are four</p> <p>11 customer cars parked in the driveway. One is their own car.</p> <p>12 And with those four cars and even just the one car parked on</p> <p>13 the street, that's from the Falconbridge Terrace</p> <p>14 perspective. So the cars that are coming from the cul-de-</p> <p>15 sac direction, coming to the intersection, you can see just</p> <p>16 even with four customers that the visibility at the</p> <p>17 intersection is blocked. And this --</p> <p>18 HEARING EXAMINER ROBESON: Do you know how far</p> <p>19 from a stop sign you were standing as far as back from the</p> <p>20 stop sign? When I say that, I mean toward the cul-de-sac.</p> <p>21 MS. WOODHOUSE: Well --</p> <p>22 HEARING EXAMINER ROBESON: Do you have a --</p> <p>23 MS. WOODHOUSE: It looks like kind of aligned</p> <p>24 with the sign, but (inaudible).</p> <p>25 HEARING EXAMINER ROBESON: Okay. All right. If</p>
<p>126</p> <p>1 time to sort through and see every match together, every</p> <p>2 picture. I'm going to let it come in and give it the weight</p> <p>3 it deserves. If you could remind me of the number again.</p> <p>4 MS. WOODHOUSE: Okay.</p> <p>5 MR. CHEN: 79A.</p> <p>6 MS. WOODHOUSE: 79A.</p> <p>7 HEARING EXAMINER ROBESON: Okay. Go ahead.</p> <p>8 MS. WOODHOUSE: So this shows a couple of things.</p> <p>9 So one --</p> <p>10 MR. CHEN: By the way, this is your product? You</p> <p>11 prepared --</p> <p>12 MS. WOODHOUSE: I prepared it.</p> <p>13 HEARING EXAMINER ROBESON: Do these pictures</p> <p>14 fairly and accurately depict the property at the time in</p> <p>15 which you took them?</p> <p>16 MS. WOODHOUSE: Yes, they do.</p> <p>17 HEARING EXAMINER ROBESON: All right. Go ahead.</p> <p>18 MR. CHEN: Who took the pictures?</p> <p>19 MS. WOODHOUSE: I took the pictures.</p> <p>20 MR. CHEN: Thank you.</p> <p>21 HEARING EXAMINER ROBESON: Okay. That's --</p> <p>22 MS. WOODHOUSE: So these are pictures on the</p> <p>23 first page of the Saturday morning class. And the first</p> <p>24 picture just speaks to the issue of it being boxed in, that</p> <p>25 it can even affect the cars that -- the Romano's cars parked</p>	<p>128</p> <p>1 you don't, it's fine.</p> <p>2 MS. WOODHOUSE: I don't know the exact distance.</p> <p>3 HEARING EXAMINER ROBESON: Okay. All right.</p> <p>4 MS. WOODHOUSE: So -- and I guess if we -- if you</p> <p>5 want to, while we are looking at this picture here you can</p> <p>6 see one of the pictures that was submitted for Exhibit 88A</p> <p>7 by Mr. Klopman shows parking on the same day, the same car,</p> <p>8 the same driveway, but from the perspective of the front</p> <p>9 yard of the Romano pussy is house. So you can see that the</p> <p>10 same cars are there that I saw. This picture was taken</p> <p>11 eight minutes later than this one. So from their</p> <p>12 perspective from the front yard, it looks pretty good. But,</p> <p>13 you know, this is what the rest of us have to deal with.</p> <p>14 And I would note that in their picture, it only shows the</p> <p>15 driveway parking. They did cut off where the -- you would</p> <p>16 be up to see the car on the street. But it is the same day</p> <p>17 (inaudible).</p> <p>18 HEARING EXAMINER ROBESON: Wait. I see a car on</p> <p>19 the front of the street.</p> <p>20 MS. WOODHOUSE: Yes, and my picture.</p> <p>21 MR. CHEN: She's referring to --</p> <p>22 MS. WOODHOUSE: I'm referring --</p> <p>23 HEARING EXAMINER ROBESON: Oh. Oh, she's</p> <p>24 referring to the 88, Exhibit 88.</p> <p>25 MS. WOODHOUSE: 88, yes. Yeah.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

33 (129 to 132)

<p style="text-align: right;">129</p> <p>1 HEARING EXAMINER ROBESON: Okay. Sorry.</p> <p>2 MS. WOODHOUSE: And that car in front stay there</p> <p>3 the whole time until the end of class. So just -- it was</p> <p>4 the same day as one of their pictures. Oh, so and then you</p> <p>5 just go to the next page. It just shows some of the</p> <p>6 driveway parking that the cars are extending into the apron</p> <p>7 area or right-of-way or even practically hanging into the</p> <p>8 street. And so when they are extending that far back, you</p> <p>9 know, just that creates some confusion for cars coming too.</p> <p>10 They don't know somebody's pulling out of the driveway.</p> <p>11 It's not how people would normally park. And I know they've</p> <p>12 stated that, in some of the hearings, that day -- even</p> <p>13 though they want to make some effort perhaps, to not to run</p> <p>14 in people's driveways, that it is legal for them to turn</p> <p>15 around people's driveways. And I just here -- you know, the</p> <p>16 parking on their side and the right-of-way in the apron, you</p> <p>17 know, they consider that, even in the parking spot that's</p> <p>18 marked on that diagram at the top, they consider that a</p> <p>19 parking space and it's in the apron or right-of-way area.</p> <p>20 So how is that parking for them? And then our site is</p> <p>21 there -- legal for them to turn around. It just doesn't</p> <p>22 seem fair for the residents.</p> <p>23 MR. CHEN: And then these photographs on page 2,</p> <p>24 the two photographs, you took the photographs?</p> <p>25 MS. WOODHOUSE: I did take the photographs</p>	<p style="text-align: right;">131</p> <p>1 just recently been submitted. It's dated December 18, 2018.</p> <p>2 Again, it's cumulative. I don't see --</p> <p>3 HEARING EXAMINER ROBESON: Don't say anything</p> <p>4 until he's finished because I don't want crosstalk.</p> <p>5 MR. CHEN: I'm not. I'm not.</p> <p>6 MR. KLOPMAN: And it's not a very good picture</p> <p>7 because it looks like it's coming from a -- from a window.</p> <p>8 HEARING EXAMINER ROBESON: Who -- Ms. Woodhouse,</p> <p>9 did you take this picture?</p> <p>10 MS. WOODHOUSE: I did. So it was actually -- it</p> <p>11 was a video and then I had -- because we can't show videos</p> <p>12 here very easily, I did screenshots of time, but I know the</p> <p>13 quality is (inaudible).</p> <p>14 HEARING EXAMINER ROBESON: Does it accurately</p> <p>15 depict what you observed?</p> <p>16 MS. WOODHOUSE: It does. You can -- it does show</p> <p>17 that you can see the lights from going in reverse are on</p> <p>18 into cars at the same time. And by looking at the sequence,</p> <p>19 you can see that two of the cars are moving -- are both</p> <p>20 maneuvering around a stationary car this in the middle.</p> <p>21 HEARING EXAMINER ROBESON: Okay. I'm going to</p> <p>22 admit this. I don't recall this and the other photos. So I</p> <p>23 don't think they are cumulative.</p> <p>24 MR. CHEN: Just as a -- I might add just for the</p> <p>25 record, that these photos were filed well before Mr.</p>
<p style="text-align: right;">130</p> <p>1 (inaudible) Saturday.</p> <p>2 MR. CHEN: So they accurately purport what they</p> <p>3 depict?</p> <p>4 MS. WOODHOUSE: They do.</p> <p>5 MR. CHEN: Okay. What are the appendix pages?</p> <p>6 MS. WOODHOUSE: Oh. So the appendix pages to</p> <p>7 show the class schedules that these -- that show -- at the</p> <p>8 time that the photos were taken, that there was a class</p> <p>9 going on at that time. And they were on her public -- her</p> <p>10 posted website.</p> <p>11 MR. CHEN: What -- go to Exhibit 79B. What is</p> <p>12 that?</p> <p>13 MS. WOODHOUSE: So 79B, there are some --</p> <p>14 MR. CHEN: Just identify it.</p> <p>15 MS. WOODHOUSE: Oh, okay.</p> <p>16 MR. CHEN: Identify it first.</p> <p>17 MS. WOODHOUSE: Boxed in, is an example of boxed</p> <p>18 in driveway parking.</p> <p>19 MR. CHEN: And it --</p> <p>20 HEARING EXAMINER ROBESON: Wait. Wait. Do you</p> <p>21 have an objection Mr. Klopman?</p> <p>22 MR. KLOPMAN: To 79, the -- it says boxed in</p> <p>23 driveway parking.</p> <p>24 HEARING EXAMINER ROBESON: Yes.</p> <p>25 MR. KLOPMAN: I have an objection because this is</p>	<p style="text-align: right;">132</p> <p>1 Klopman's most recent filing of numerous photographs.</p> <p>2 HEARING EXAMINER ROBESON: Right. We have let</p> <p>3 photographs come in during the hearing as long as -- we have</p> <p>4 let them do that. And these have been in the record as long</p> <p>5 as I have been assigned the case. So I'm going to let them</p> <p>6 in. Go ahead.</p> <p>7 MR. CHEN: Okay. What is Exhibit 79C?</p> <p>8 MS. WOODHOUSE: So this is a series of photos</p> <p>9 that I took right after the last hearing when I heard</p> <p>10 descriptions of the morning, the 9:15 time of the proposed</p> <p>11 classes.</p> <p>12 HEARING EXAMINER ROBESON: When you say her,</p> <p>13 please identify who that is.</p> <p>14 MS. WOODHOUSE: Oh, by Ms. Romano and the</p> <p>15 witnesses that testified, stated that --</p> <p>16 HEARING EXAMINER ROBESON: At the first hearing?</p> <p>17 MS. WOODHOUSE: At the first hearing.</p> <p>18 HEARING EXAMINER ROBESON: Okay. Go ahead.</p> <p>19 MR. CHEN: By the way, there's photographs here.</p> <p>20 MS. WOODHOUSE: They are photographs.</p> <p>21 MR. CHEN: Who took the photographs?</p> <p>22 MS. WOODHOUSE: I took the photographs.</p> <p>23 MR. CHEN: Okay. And do they accurately depict</p> <p>24 what they purport to show?</p> <p>25 MS. WOODHOUSE: Yes, they do.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

34 (133 to 136)

<p>133</p> <p>1 MR. CHEN: Okay. You can continue.</p> <p>2 MS. WOODHOUSE: So what I -- I wanted to show --</p> <p>3 HEARING EXAMINER ROBESON: Well, let me just find</p> <p>4 out. Do you have an objection to these, Mr. Klopman?</p> <p>5 MR. KLOPMAN: These are -- these are second --</p> <p>6 another group of photographs?</p> <p>7 HEARING EXAMINER ROBESON: Yeah, 79C.</p> <p>8 MR. KLOPMAN: Which day are these on?</p> <p>9 HEARING EXAMINER ROBESON: It looks like March</p> <p>10 13, 2019.</p> <p>11 MR. KLOPMAN: No, I don't objection to those,</p> <p>12 Your Honor.</p> <p>13 HEARING EXAMINER ROBESON: Okay. Go ahead Ms.</p> <p>14 Woodhouse.</p> <p>15 MS. WOODHOUSE: So my -- because my expensive --</p> <p>16 I usually leave for work between 9:00, 9:30 after I take my</p> <p>17 son to school. And when I'm getting ready to go, I usually</p> <p>18 have to wait for cars to go by until I can pull out of the</p> <p>19 driveway. And it's (inaudible) where there is still</p> <p>20 activity in the neighborhood. They made it sound like</p> <p>21 everybody is just gone by then. And so I just -- when I was</p> <p>22 going for -- out to get my car -- well, actually, I was in</p> <p>23 the car and I was waiting. I thought, okay. I have to</p> <p>24 wait. Let's take a picture of that one. And then when I</p> <p>25 look in the other direction, there is another car coming</p>	<p>135</p> <p>1 are been going on at the studio. The descriptions I heard</p> <p>2 were of classes of 4 to 6 and only occasionally more. You</p> <p>3 can see by the DPS complaints that go as far back as January</p> <p>4 2017, that classes of 10 to 12 are being held many times</p> <p>5 during the week. And this is the case week after week. And</p> <p>6 by all accounts, the business has grown and is still</p> <p>7 growing. And now Ms. Romano seeks to move classes from</p> <p>8 other locations to the studio.</p> <p>9 MR. KLOPMAN: Well --</p> <p>10 HEARING EXAMINER ROBESON: Yes. You may be</p> <p>11 heard.</p> <p>12 MR. KLOPMAN: Move to strike. How does she have</p> <p>13 any personal knowledge of what she just said? I mean, I --</p> <p>14 HEARING EXAMINER ROBESON: That classes were</p> <p>15 larger?</p> <p>16 MR. KLOPMAN: No, the last thing that she said</p> <p>17 about -- forget it. Forget it, Your Honor.</p> <p>18 HEARING EXAMINER ROBESON: No, no. What is your</p> <p>19 point?</p> <p>20 MR. KLOPMAN: She said something about moving</p> <p>21 classes. And I don't know how she would have personal</p> <p>22 knowledge about that. I mean our --</p> <p>23 HEARING EXAMINER ROBESON: The classes are coming</p> <p>24 back.</p> <p>25 MR. KLOPMAN: Your Honor, I would draw the</p>
<p>134</p> <p>1 So this is just activity in that one-and-a-half-minute</p> <p>2 period when I'm trying to get out and go to work. And I</p> <p>3 don't know why the people came to the classes never saw</p> <p>4 people like me trying to go to work. So these just</p> <p>5 documents that there is activity and I'm not trying to say</p> <p>6 that there are major traffic jams or cars they can get</p> <p>7 through. This is just to show that there is traffic that</p> <p>8 flows there and that it's traffic that can be disruptive</p> <p>9 when travel lanes are taken up by customer parking.</p> <p>10 MR. CHEN: Now, as --</p> <p>11 HEARING EXAMINER ROBESON: Do we have testimony</p> <p>12 on how wide the street is? Yes, we --</p> <p>13 MR. CHEN: You're going to get it.</p> <p>14 HEARING EXAMINER ROBESON: Oh.</p> <p>15 MR. CHEN: I'll call --</p> <p>16 HEARING EXAMINER ROBESON: Is that what Mr. Davis</p> <p>17 is going to -- okay. Go ahead.</p> <p>18 MR. CHEN: You heard Ms. Romano's testimony about</p> <p>19 the types and number of classes she's had and instructors?</p> <p>20 MS. WOODHOUSE: Yes.</p> <p>21 MR. CHEN: Okay. Based upon your personal</p> <p>22 observations and experience, is that an accurate recitation</p> <p>23 of those matters?</p> <p>24 MS. WOODHOUSE: So I do like Ms. Romano has</p> <p>25 misrepresented the scale of the commercial operations that</p>	<p>136</p> <p>1 objection. Let's just move on. I'll ask -- I'll ask --</p> <p>2 HEARING EXAMINER ROBESON: Well, how do you know</p> <p>3 classes are moving back?</p> <p>4 MS. WOODHOUSE: Well, because there are currently</p> <p>5 classes that are scheduled at another location at the times</p> <p>6 that she's proposing to have classes.</p> <p>7 HEARING EXAMINER ROBESON: So you are assuming</p> <p>8 those are going to come back home will come back to the</p> <p>9 house?</p> <p>10 MS. WOODHOUSE: Well, unless -- because they are</p> <p>11 both at the same time.</p> <p>12 HEARING EXAMINER ROBESON: Okay.</p> <p>13 MS. WOODHOUSE: So I would -- furthermore, so Ms.</p> <p>14 Romano claims that her plan -- she stated in the hearing, to</p> <p>15 hold -- that she wants to hold classes of 10 a handful of</p> <p>16 times a year. And I saw Mr. Klopman submitted something</p> <p>17 same four times a year. But this application is actually</p> <p>18 requesting to hold classes of 10 customers 312 times a year.</p> <p>19 So that is classes of 10 six times a week for 52 weeks. 52</p> <p>20 times 6, that's 312 times a year. That's not a handful of</p> <p>21 times. And even classes that are much smaller than 10 are</p> <p>22 already very disruptive to the neighborhood roads and</p> <p>23 compromising safety of the residence.</p> <p>24 MR. CHEN: Did have private classes from your</p> <p>25 observations?</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

35 (137 to 140)

<p>137</p> <p>1 MS. WOODHOUSE: Yes. So there were many types of</p> <p>2 classes that were not mentioned in the application that --</p> <p>3 such as the private classes. And I don't think that she</p> <p>4 addressed of the scale of those activities even in the</p> <p>5 hearing. They are not in the application at all. In the</p> <p>6 hearing, when asked how many customers were involved in</p> <p>7 private lessons, Ms. Romano's answer was, again, I'm quoting</p> <p>8 here from page 71, again, that varies. One, it all varies</p> <p>9 and depends on need. And I can tell you, because I</p> <p>10 regularly work from home, that there is a steady flow of</p> <p>11 customers during the day from late morning to midafternoon</p> <p>12 and that's most of the weekdays that I worked at home.</p> <p>13 MR. CHEN: Are those classes indicated as part of</p> <p>14 the statement of the classes that are the subject of this</p> <p>15 application?</p> <p>16 MS. WOODHOUSE: No, they are not</p> <p>17 MR. CHEN: Okay.</p> <p>18 MS. WOODHOUSE: So another issue -- he asked the</p> <p>19 question of --</p> <p>20 MR. KLOPMAN: Is there a question pending?</p> <p>21 MR. CHEN: Yeah, I interrupted her.</p> <p>22 MS. WOODHOUSE: I still -- the --</p> <p>23 MR. KLOPMAN: Oh.</p> <p>24 MS. WOODHOUSE: There was the question of the</p> <p>25 descriptions. So -- and I would say from the descriptions</p>	<p>139</p> <p>1 MS. WOODHOUSE: Because of who the instructor --</p> <p>2 because it's a different instructor according to that</p> <p>3 thinking.</p> <p>4 MR. CHEN: Did I get you covered on all of those</p> <p>5 areas that you wanted to describe to the Hearing Examiner?</p> <p>6 MS. WOODHOUSE: Yes.</p> <p>7 MR. CHEN: Okay. Now, what is the area within</p> <p>8 the Fox Hills North subdivision that in your opinion is</p> <p>9 affected by the yoga studio operations?</p> <p>10 MS. WOODHOUSE: So I -- the --</p> <p>11 HEARING EXAMINER ROBESON: I actually have a</p> <p>12 question about that too. I would like to hear what --</p> <p>13 MS. WOODHOUSE: Okay.</p> <p>14 HEARING EXAMINER ROBESON: I've never seen a</p> <p>15 surrounding area drawn at 200 feet. That's --</p> <p>16 MR. CHEN: Yeah.</p> <p>17 MS. WOODHOUSE: So --</p> <p>18 HEARING EXAMINER ROBESON: Go ahead.</p> <p>19 MS. WOODHOUSE: Okay. So I, in my opinion, there</p> <p>20 are houses like my house that is directly across the street</p> <p>21 or the Huber's house, which is just slightly diagonally</p> <p>22 across, that we are affected very much. And also, the homes</p> <p>23 that are on the cul-de-sac which are affected --</p> <p>24 HEARING EXAMINER ROBESON: Is that Falconbridge</p> <p>25 Terrace?</p>
<p>138</p> <p>1 that I heard, it seems clear to me -- well, actually,</p> <p>2 first -- it seems clear to me that any yoga activities where</p> <p>3 money is being charged for people to participate would be</p> <p>4 under regulation regardless of who is teaching the class.</p> <p>5 But in the hearing -- well, let me go back (inaudible). So</p> <p>6 further supporting my understanding is that DPS found Ms.</p> <p>7 Romano in violation and issued a warning for exceeding</p> <p>8 customer limits, this was after the abatement order, for if</p> <p>9 there's a class that was taught by an instructor other than</p> <p>10 Ms. Romano. So while she, in the hearing called it a gray</p> <p>11 area, it doesn't seem like this is a great area to DPS.</p> <p>12 MR. CHEN: You mean instructors?</p> <p>13 MS. WOODHOUSE: Other instructors. And that kind</p> <p>14 of gets to the Sunday classes that were mentioned that are</p> <p>15 not on the schedule. And these classes have been taught on</p> <p>16 a weekly basis at the home yoga studio by another instructor</p> <p>17 for a period spanning 10 months. And at the hearing, Ms.</p> <p>18 Romano stated, this is on page 106, and I'm quoting here,</p> <p>19 those are off the schedule and they were never really part</p> <p>20 of it. They just moved temporarily. That's the end of the</p> <p>21 quote. So it seems a Ms. Romano's view, a class or event,</p> <p>22 even one that's on the schedule for nearly a year at the</p> <p>23 home studio, can be considered to not actually be part of</p> <p>24 the schedule.</p> <p>25 MR. CHEN: Because of its instructor?</p>	<p>140</p> <p>1 MS. WOODHOUSE: Falconbridge Terrace. So I think</p> <p>2 those areas are very much affected, but the effect really</p> <p>3 goes beyond that. The Falconbridge Drive is one of the --</p> <p>4 probably the main entrance to the neighborhood. There is</p> <p>5 a -- for people who live on the areas where some of the</p> <p>6 people talking this morning live, they might go in on the</p> <p>7 other side. But for the --</p> <p>8 MR. CHEN: When you say the other side, what do</p> <p>9 you mean the other side?</p> <p>10 MS. WOODHOUSE: There is another street. I think</p> <p>11 the one that they were talking about where -- what is it</p> <p>12 street? Lloyd Minster. That goes -- you can go to it from</p> <p>13 (inaudible).</p> <p>14 MR. CHEN: Okay.</p> <p>15 MS. WOODHOUSE: But for people who live on</p> <p>16 Falconbridge Drive, so that would be East of the Romano</p> <p>17 residents, they would need to be able to get through there.</p> <p>18 And then anyone from -- that would drive that way to be able</p> <p>19 to get to their house or leave the neighborhood, that would</p> <p>20 also be affected. And the people who live on Falconbridge</p> <p>21 Terrace, the portion -- not the (inaudible) route 28, but</p> <p>22 the cul-de-sac side, those houses would have to drive by an</p> <p>23 area that they might not be able to get to very well. And</p> <p>24 then also, people who are -- they might live around, but</p> <p>25 they are walking, they would also be affected. But -- so</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

36 (141 to 144)

<p>141</p> <p>1 they are sort of like zones, the most affected, because they 2 are right there. And then the ones that need to be able to 3 get through to get to their homes. 4 MR. CHEN: And you for the testimony of the 5 people who testified about the road conditions and the 6 access. Is that correct? 7 MS. WOODHOUSE: This morning and another hearing? 8 MR. CHEN: Yes. 9 MS. WOODHOUSE: Yes, I heard them testify. 10 MR. CHEN: Okay. Do you agree with those 11 descriptions that you heard? 12 MS. WOODHOUSE: I don't agree with the 13 descriptions. 14 MR. CHEN: Can you explain? Just explain to the 15 Hearing Examiner. 16 MS. WOODHOUSE: Okay. Well, they stated that 17 there are no cars at all even driving. But then they seem 18 to state that they drive by that area several times a day. 19 So clearly, there are hundreds of houses. There are people 20 that need to be able to get in and out of the neighborhood. 21 And so there is -- there is traffic as any vibrant area that 22 has people that are going to work or doing their daily 23 activities. There are cars that are parked on the street. 24 Not -- it's not packed full of cars, but there are cars that 25 are on the streets throughout here and there. So there</p>	<p>143</p> <p>1 HEARING EXAMINER ROBESON: No, it's fine. 2 MR. CHEN: It's probably me. 3 HEARING EXAMINER ROBESON: I think there was a 4 correction. I think you corrected it at the last hearing. 5 MR. KLOPMAN: I did, but I notice I did refer to 6 it a couple times. 7 HEARING EXAMINER ROBESON: Yeah. 8 MR. CHEN: Okay, but we are on the same page with 9 the right -- same exhibit? 10 HEARING EXAMINER ROBESON: Please turn your phone 11 off. Okay. I'm there. 12 MR. CHEN: Okay. If I may. You for the 13 testimony from witnesses yesterday and at the last hearing 14 where Mr. Klopman show them a photograph taken from the 15 staff report. Is that right? 16 MS. WOODHOUSE: Yes. 17 MR. CHEN: And he asked if that photographically 18 shows the condition of the roadway. You heard that? 19 MS. WOODHOUSE: Right. 20 MR. CHEN: Okay. I'm showing you, I believe, the 21 same exhibit. 22 MS. WOODHOUSE: Okay. 23 HEARING EXAMINER ROBESON: May I see it just to 24 make sure is the same as in my file? 25 MR. CHEN: Oh, I'm sorry. Okay.</p>
<p>142</p> <p>1 are -- they can, and they do create problems when -- if they 2 fill the street because, you know, your parking -- they have 3 been parking on both sides. Even if you park only on one 4 side, if you have some residents that park on the other 5 side, then you have real bottlenecks. So I don't find it 6 accurate, how it was presented. 7 MR. CHEN: Mdm. Examiner, one of the exhibits, I 8 think, and I apologize, I'm not sure, is 74. Mr. Klopman, 9 this has been an exhibit that I believe you have been using. 10 I apologize if I don't have the right number. It's a page 11 from the -- 12 HEARING EXAMINER ROBESON: May I see what you 13 are -- I have a 74 in here, but it doesn't look -- 14 MR. KLOPMAN: Let me see what it is. I will tell 15 you. Is it 64D? Page 4 of the planning board staff report? 16 MR. CHEN: I think -- is that the one you were 17 using? 18 MR. KLOPMAN: Yeah, that's 64. 19 MR. CHEN: 64. 20 MR. KLOPMAN: The planning board staff report is 21 64A. 22 HEARING EXAMINER ROBESON: Oh. 23 MR. CHEN: Okay. Thank you, very much. 24 MR. KLOPMAN: I might have misstated (inaudible). 25 MR. CHEN: No, it's probably --</p>	<p>144</p> <p>1 HEARING EXAMINER ROBESON: I don't have a colored 2 one, but -- okay. It is the same exhibit. Thank you. 3 MR. CHEN: (Inaudible) a copy of this was 4 submitted to the record. 5 HEARING EXAMINER ROBESON: It could be. 6 MR. KLOPMAN: I already thought it was part of 7 the record as 64A. 8 HEARING EXAMINER ROBESON: Yeah, I don't have a 9 color copy of the staff report. 10 MR. KLOPMAN: Here's one. I have one. 11 HEARING EXAMINER ROBESON: Thank you. Well, now 12 I've got to mark this as 64.1A or 64A1. How is that 13 question mark and that's photo of page -- color photo of 14 page for staff report. 15 MR. CHEN: So it's 64A1? 16 HEARING EXAMINER ROBESON: Yes. 17 MR. CHEN: Thank you. Ms. Woodhouse, in your 18 opinion, is that typically what Falconbridge Drive Terrace 19 are like? 20 MS. WOODHOUSE: No, this is not what is typically 21 like. It looks like no one lives here. 22 MR. CHEN: And you've already described 23 previously your testimony about what your observations have 24 been on that road? 25 MS. WOODHOUSE: Right. I mean, you -- a typical</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

37 (145 to 148)

<p>145</p> <p>1 scene, you would see people walking. There might be a car 2 going by here or there. But there's is no one in this 3 photo. 4 MR. CHEN: Okay. 5 MS. WOODHOUSE: So I would say it's not typical. 6 There are also not very many -- there are usually more cars 7 parked on the street than this as well. 8 MR. CHEN: How long have you lived here? 9 MS. WOODHOUSE: 17½ years. 10 MR. CHEN: And what concerns do you have if this 11 application is granted? 12 MS. WOODHOUSE: So my concerns if this were 13 granted would be that the -- all the issues related to 14 safety, congestion, degradation of the residential character 15 of our neighborhood would only continue to get worse. The 16 large number of customers that's requested and the scale of 17 these activities at the yoga studio, of operations, they're 18 just -- they are overwhelming for our neighborhood. So I 19 reported that the problems about the road being blocked. I 20 reported those accurately. And people not being able to 21 have visibility to the oncoming traffic already. And it 22 seems that with a major impact home occupation these would 23 only get worse. 24 MR. CHEN: Okay. 25 MS. WOODHOUSE: Also, I'm concerned with Ms.</p>	<p>147</p> <p>1 The first section has photographs that are from the website. 2 Those, we did not take any of those. Those are all from Ms. 3 Romano's own advertising on social media, her website. 4 MR. CHEN: Okay. 5 MS. WOODHOUSE: So that -- those photos are all 6 from her WarriorOneYoga.net website or from social media, 7 from Facebook and Instagram. 8 MR. CHEN: What do we do this? Mme. Examiner, if 9 I may, as Ms. Woodhouse to say, there are three sections to 10 this exhibit. 11 HEARING EXAMINER ROBESON: Okay. 12 MR. CHEN: Why don't -- what I would like to do, 13 with the Examiner's permission is make them separate exhibit 14 numbers, because I think they have different subjects that 15 are being addressed in each section. And what I would 16 propose is on Exhibit 46 on -- 17 HEARING EXAMINER ROBESON: Wait, let me get there 18 so I can understand. Is it -- and so is the chronology with 19 the pictures? 20 MR. CHEN: Yes. 21 HEARING EXAMINER ROBESON: Can you approach? And 22 you can approach. I just want to make sure because -- 23 MR. KLOPMAN: I have to find mine, ma'am. Just 24 give me a second. 25 HEARING EXAMINER ROBESON: Oh, okay. I just want</p>
<p>146</p> <p>1 Romano's repeated violation of the home occupation limits 2 for over two years including a court -- after a court order 3 of abatement, I'm concerned that -- I don't think that she 4 will comply with any conditions to -- an approval of the 5 yoga studio. 6 MR. CHEN: Give me one second. Let me show you 7 Exhibit 46. Can you identify this exhibit? 8 MS. WOODHOUSE: Yes, this is the chronology of 9 the Warrior One home studio. 10 MR. CHEN: May I have that back, please? 11 MS. WOODHOUSE: Yes. 12 MR. CHEN: Who prepared this exhibit? 13 MS. WOODHOUSE: So it -- I prepared it together 14 with the Hubers. We kind of -- we worked on it together. 15 MR. CHEN: Okay. Okay. And there are 16 photographs in this document. Is that right? 17 MS. WOODHOUSE: Yes, there are photographs that 18 were taken while the yoga classes were in session. 19 MR. CHEN: Okay. Where did you get these 20 photographs? 21 MS. WOODHOUSE: I took some and the Hubers took 22 some. 23 MR. CHEN: Okay. It's from the website? 24 MS. WOODHOUSE: Oh, well actually, there are two 25 different types of photographs. There are three sections.</p>	<p>148</p> <p>1 to make sure I'm looking at the right thing. Here's 50, 47. 2 See, I think our -- I have this has 47. 3 MR. KLOPMAN: Was the top of it? 4 MS. WOODHOUSE: This is 46. 5 HEARING EXAMINER ROBESON: Screenshot of Warrior 6 One Yoga location. 7 MR. KLOPMAN: I think that's page 2 of 46. Am I 8 mistaken or (inaudible)? 9 HEARING EXAMINER ROBESON: Okay. I think 10 something happened when she -- we call it exhibitized. So 11 let me -- okay. He is the chronology. This is 46 right 12 here. Okay. And I just have this one page as the 13 chronology. 14 MR. CHEN: I -- 15 MR. KLOPMAN: That's all it is. That's what I 16 have (inaudible). 17 MR. CHEN: No (inaudible). 18 MR. KLOPMAN: Oh, the next -- you have the next 19 page. That's the next page. I -- 20 HEARING EXAMINER ROBESON: Okay. So this is 46. 21 Because we've marked it incorrectly. So how do you want 22 it -- 23 MR. CHEN: I believe that 46 is the document 24 (inaudible). 25 HEARING EXAMINER ROBESON: Part of -- okay.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

38 (149 to 152)

<p>149</p> <p>1 MR. CHEN: It consists of three sections.</p> <p>2 HEARING EXAMINER ROBESON: Okay.</p> <p>3 MR. CHEN: And what I was going to do, and maybe</p> <p>4 now is too ambitious. What I was going to do is take the</p> <p>5 witness to each of the three sections and give each of the</p> <p>6 three sections a sub-identification like 46A, 46B, 46C.</p> <p>7 HEARING EXAMINER ROBESON: Okay. Well --</p> <p>8 MR. CHEN: Only because there are different</p> <p>9 subjects in each section.</p> <p>10 HEARING EXAMINER ROBESON: What I'm going to do,</p> <p>11 because about the wrong exhibit number here. She has 47.</p> <p>12 So I'm just going to mark out 47 on the exhibit list as --</p> <p>13 and say we labeled, remarked.</p> <p>14 MR. CHEN: May I see 47 on yours? Because it</p> <p>15 may -- it probably has a different -- it should have a</p> <p>16 different number.</p> <p>17 HEARING EXAMINER ROBESON: Oh, I'm sorry. I</p> <p>18 thought you meant the exhibit list.</p> <p>19 MR. CHEN: I think your document 47 is really</p> <p>20 page 2 of 46.</p> <p>21 MR. KLOPMAN: Yes, of 46.</p> <p>22 HEARING EXAMINER ROBESON: Okay. That's what --</p> <p>23 what I was talking about his I would like to relabel this.</p> <p>24 Well, now you are splitting it into three pieces.</p> <p>25 MR. CHEN: Well, I'm -- we can do it the easiest</p>	<p>151</p> <p>1 HEARING EXAMINER ROBESON: Okay. So 46 --</p> <p>2 MR. CHEN: Is the first four pages of it.</p> <p>3 HEARING EXAMINER ROBESON: The first four pages,</p> <p>4 okay. So five is 46A?</p> <p>5 MR. CHEN: Yes.</p> <p>6 HEARING EXAMINER ROBESON: Okay.</p> <p>7 MR. CHEN: (Inaudible). Then 46B would be on</p> <p>8 page 19.</p> <p>9 HEARING EXAMINER ROBESON: Are you marking this</p> <p>10 on your --</p> <p>11 MR. CHEN: I am.</p> <p>12 HEARING EXAMINER ROBESON: Okay.</p> <p>13 MR. KLOPMAN: I did it. Page 19, 46B.</p> <p>14 HEARING EXAMINER ROBESON: You are a good</p> <p>15 student. I feel like I'm in --</p> <p>16 MR. KLOPMAN: I can listen.</p> <p>17 HEARING EXAMINER ROBESON: Yeah.</p> <p>18 MR. KLOPMAN: I'm a good listener.</p> <p>19 MR. CHEN: And then section 3 would be beginning</p> <p>20 on page 35. That would be 46C.</p> <p>21 MR. KLOPMAN: Page 35?</p> <p>22 MR. CHEN: Yeah.</p> <p>23 HEARING EXAMINER ROBESON: Now hopefully, you</p> <p>24 have a very good reason for doing this.</p> <p>25 MR. CHEN: Yes.</p>
<p>150</p> <p>1 way that the Examiner wants to do it. Seriously, I</p> <p>2 (inaudible) anticipating what your (inaudible).</p> <p>3 HEARING EXAMINER ROBESON: Yeah, that --</p> <p>4 MR. CHEN: Why can't you just do it all 46 and</p> <p>5 then just allude to their being three different sections?</p> <p>6 (Crosstalk)</p> <p>7 HEARING EXAMINER ROBESON: Well, I can make it</p> <p>8 46A, B, and C.</p> <p>9 MR. KLOPMAN: I -- whatever is easiest.</p> <p>10 HEARING EXAMINER ROBESON: I would rather do that</p> <p>11 and then I don't have to change every other number. So 46,</p> <p>12 46A is page 2.</p> <p>13 MR. CHEN: Two.</p> <p>14 HEARING EXAMINER ROBESON: So where is 46B?</p> <p>15 MR. KLOPMAN: I number though so you can know</p> <p>16 what page --</p> <p>17 MR. CHEN: Yeah, I'm marking this down</p> <p>18 separately. Exhibit 40.</p> <p>19 HEARING EXAMINER ROBESON: And then on the</p> <p>20 exhibit list, I'm just going to mark different numbers and</p> <p>21 say 47 relabeled. Okay.</p> <p>22 MR. CHEN: Okay. If I may?</p> <p>23 HEARING EXAMINER ROBESON: Yeah.</p> <p>24 MR. CHEN: I think that 46A should begin on page</p> <p>25 5.</p>	<p>152</p> <p>1 HEARING EXAMINER ROBESON: Okay. So that is</p> <p>2 relabeled.</p> <p>3 (Crosstalk)</p> <p>4 HEARING EXAMINER ROBESON: Yes. Are we going</p> <p>5 through every page Mr. Chen?</p> <p>6 MR. CHEN: We're going to try to not go through</p> <p>7 every page.</p> <p>8 HEARING EXAMINER ROBESON: Okay.</p> <p>9 MR. CHEN: (Inaudible).</p> <p>10 HEARING EXAMINER ROBESON: It is 2:00. I'm just</p> <p>11 reminding you.</p> <p>12 MR. CHEN: If I may, what do you have -- while we</p> <p>13 are on this, what do you have as Exhibit 47?</p> <p>14 HEARING EXAMINER ROBESON: I had just the one</p> <p>15 page, establishments offering yoga studios.</p> <p>16 MR. CHEN: Okay.</p> <p>17 HEARING EXAMINER ROBESON: What I've marked 47 as</p> <p>18 now is 46A. But I don't want to change the -- I'm going to</p> <p>19 put a note saying 47 has been relabeled. I don't want to</p> <p>20 change the rest of the exhibit numbers.</p> <p>21 MR. CHEN: The -- okay. So we've been through 45</p> <p>22 already.</p> <p>23 HEARING EXAMINER ROBESON: Yeah.</p> <p>24 MR. CHEN: We are now on 46.</p> <p>25 HEARING EXAMINER ROBESON: Okay.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

39 (153 to 156)

<p>153</p> <p>1 MR. CHEN: Now, I do have a mine, and Exhibit 47, 2 which I am taking off of your official -- with OZHA's 3 official list. 4 HEARING EXAMINER ROBESON: Right. 5 MR. CHEN: And that is a document entitled, 6 establishments offering yoga classes. 7 HEARING EXAMINER ROBESON: Correct. 8 MR. CHEN: Okay. So we are coordinated. 9 HEARING EXAMINER ROBESON: Because that is now 10 46A. 11 MR. CHEN: What was Mark there is no -- that 12 is -- no. 13 HEARING EXAMINER ROBESON: Wait a minute. This 14 one -- I thought you said you -- 15 MR. CHEN: This guy. 16 HEARING EXAMINER ROBESON: Oh, I'm -- that's 46. 17 MR. CHEN: If I may approach. 18 HEARING EXAMINER ROBESON: 46A is page 5. 19 MR. CHEN: Yes. There is an Exhibit 47. 20 HEARING EXAMINER ROBESON: Okay. 21 MR. CHEN: (Inaudible). 22 MR. KLOPMAN: Where is -- where is 47 now? 23 MR. CHEN: Well, I don't know where it is in your 24 file? 25 HEARING EXAMINER ROBESON: It's in a vortex of --</p>	<p>155</p> <p>1 that he has just marked in four pieces. 2 HEARING EXAMINER ROBESON: Okay. All of that is 3 46? 4 MR. KLOPMAN: All of that is 46. 5 MR. CHEN: Yeah. 6 HEARING EXAMINER ROBESON: Okay. 7 MR. KLOPMAN: Now you've made it 46A, B, and C. 8 HEARING EXAMINER ROBESON: Okay. 9 MR. KLOPMAN: That's all that. And then 47, Your 10 Honor, shouldn't be relabeled on your list. It's this page. 11 It's this document. 12 HEARING EXAMINER ROBESON: Okay. Well, I think 13 something must've happened because I don't have -- 14 MR. CHEN: That's what I understood you to be 15 saying. You're saying you don't have -- 16 HEARING EXAMINER ROBESON: Let me just see. Hold 17 on one second. 18 MR. CHEN: There it is. 19 HEARING EXAMINER ROBESON: Oh, dear. I have it. 20 Oh, and it's marked 47 too. So I have two 47's. Thank you, 21 Mr. Klopman. 22 MR. KLOPMAN: You're welcome, Your Honor. 23 HEARING EXAMINER ROBESON: Thank you, Mr. Chen. 24 We have it. 25 MR. KLOPMAN: Glad to be of help.</p>
<p>154</p> <p>1 MR. KLOPMAN: Oh, I never saw that. 2 MR. CHEN: I mean, it's been filed. I can tell 3 you that. 4 HEARING EXAMINER ROBESON: Hold on. Hold on. 5 MR. KLOPMAN: Is it part of the same submission? 6 MR. CHEN: Yeah. 7 MR. KLOPMAN: Okay. Hold on. 8 MR. CHEN: (Inaudible). 9 HEARING EXAMINER ROBESON: Where is it? 10 MR. KLOPMAN: It was part of his submission that 11 he made on (inaudible) 11. 12 MR. CHEN: (Inaudible) yeah. 13 HEARING EXAMINER ROBESON: Well, can you approach 14 Mr. Chen? 15 MR. CHEN: Yeah, it's 47. It's listed on your -- 16 it's listed as Exhibit 47. (Inaudible). 17 MR. KLOPMAN: I have it. You want me to come up 18 there too? 19 HEARING EXAMINER ROBESON: Well, if you want to 20 see what's going on. I don't have it. 21 MR. CHEN: Quite frankly -- 22 HEARING EXAMINER ROBESON: That's where I'm -- 23 MR. KLOPMAN: Yeah, that would be 47. I guess 24 what happened, Your Honor, is 46, if I -- if you want my 25 opinion as to what happened. 46 is the very thick thing</p>	<p>156</p> <p>1 HEARING EXAMINER ROBESON: Okay. Go ahead Mr. 2 Chen. 3 MR. CHEN: Okay. I'll just put myself there. 4 Ms. Woodhouse, we are doing with, so you know, Exhibit 46. 5 Okay. Could you -- 6 HEARING EXAMINER ROBESON: So we all know. 7 MR. CHEN: And could you just tell the examiner, 8 overall, what is Exhibit 46? What -- I'm going to do this 9 typically. What is the first four pages? 10 MS. WOODHOUSE: Okay. So the first four pages 11 just give an overview of the 46A, B, C, what the different 12 sections are, that they have information from social media, 13 screenshots of the registration page that shows the 14 schedules, and then the photos of the traffic and parking 15 issues. It shows the locations. There are two 16 nonresidential locations at the carriage house in Kentlands, 17 the North Potomac Community Center, and then the home studio 18 location. The first -- the pictures in this section, they 19 are pictures of each location. So you can kind of see what 20 each one looks like on the inside. The first picture at the 21 top they are on page 3, is the home studio. Actually, that 22 first page is. And then there is the carriage house on the 23 next page and the community center. 24 MR. CHEN: Okay. Hold on. 25 MS. WOODHOUSE: So kind of what each one looks</p>



Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

40 (157 to 160)

<p>157</p> <p>1 like.</p> <p>2 MR. CHEN: Let me stop you right there. We are</p> <p>3 still just staying on the first four pages.</p> <p>4 MS. WOODHOUSE: Oh.</p> <p>5 MR. CHEN: Of 46. Okay. Now, on the get into</p> <p>6 page 5 is Exhibit 46A.</p> <p>7 MS. WOODHOUSE: Right.</p> <p>8 MR. CHEN: Okay. What is the heading on that</p> <p>9 page?</p> <p>10 MS. WOODHOUSE: So this is section 1, reality of</p> <p>11 Warrior One classes presented via social media.</p> <p>12 MR. CHEN: Okay. What is this section?</p> <p>13 MS. WOODHOUSE: So this is information from the</p> <p>14 Word One website and the Warrior One social media page,</p> <p>15 Facebook and Instagram. So it's Ms. Romano's public</p> <p>16 advertising. And none of this was graded by me. It just --</p> <p>17 MS. WOODHOUSE: Where did the information come</p> <p>18 from?</p> <p>19 MR. CHEN: It came from the website and social</p> <p>20 media.</p> <p>21 MS. WOODHOUSE: What do you mean website?</p> <p>22 HEARING EXAMINER ROBESON: Oh, but this packet</p> <p>23 was created by you?</p> <p>24 MS. WOODHOUSE: Oh, the packet, yes. Right, but</p> <p>25 the photos I didn't take any --</p>	<p>159</p> <p>1 home occupation. In fact, they span before she had any</p> <p>2 certificate to -- from 2015 to 2019. And these photos, the</p> <p>3 numbers that we see in the photos, they are consistent with</p> <p>4 what we were seeing in the neighborhood. They also show</p> <p>5 some special events that were happening such as the</p> <p>6 recurring -- the (inaudible) vinyasa yoga or the partner</p> <p>7 yoga and Thai massage workshop. They show some of those</p> <p>8 events, but photos and some of the flyers that were</p> <p>9 advertising them. And overall, it shows the large number of</p> <p>10 customers and the different types of events that were held</p> <p>11 there.</p> <p>12 MR. CHEN: Okay. Now you are the testimony about</p> <p>13 the numbers of students that are now currently attending</p> <p>14 classes?</p> <p>15 MS. WOODHOUSE: Yes.</p> <p>16 MR. CHEN: Okay. What is the difference between</p> <p>17 that testimony and what is depicted on Exhibit 46A?</p> <p>18 MR. KLOPMAN: I would object, Your Honor, in the</p> <p>19 sense that these pictures are well before was going on now.</p> <p>20 I mean, in other words, what's happened since November 2018</p> <p>21 when we filed the conditional use or sense March, since last</p> <p>22 hearing, those are different. Things are different and</p> <p>23 these pictures, most of them, are well before then. I think</p> <p>24 most of the mark.</p> <p>25 MR. CHEN: If I may? Mr. Klopman is neatly</p>
<p>158</p> <p>1 HEARING EXAMINER ROBESON: And you didn't have</p> <p>2 help from Mr. Chen to create this?</p> <p>3 MS. WOODHOUSE: No, but the Hubers --</p> <p>4 (Crosstalk).</p> <p>5 HEARING EXAMINER ROBESON: No. Okay. I just</p> <p>6 wanted to make sure.</p> <p>7 MR. CHEN: Right. Okay. Go ahead.</p> <p>8 MS. WOODHOUSE: Yeah. So basically, we looked</p> <p>9 at -- we didn't really know what was going on over there.</p> <p>10 So we looked to the website to see what are all these</p> <p>11 activities that are happening. And this is some of the</p> <p>12 information that we found.</p> <p>13 MR. CHEN: Okay. So this is all taken from the</p> <p>14 Where One or the Romano website?</p> <p>15 MS. WOODHOUSE: Or Facebook or Instagram.</p> <p>16 MR. CHEN: Okay.</p> <p>17 MS. WOODHOUSE: And so --</p> <p>18 MR. CHEN: And what -- what does this section or</p> <p>19 this Exhibit 46A purport to show?</p> <p>20 MS. WOODHOUSE: So if you look at page --</p> <p>21 starting from pages 6 to 18, the show the Warrior One social</p> <p>22 media postings. They showed large numbers of yoga studio</p> <p>23 customers attending regularly scheduled classes and</p> <p>24 workshops or yoga events. They show that Ms. Romano was</p> <p>25 operating about the limits that she had for her low-impact</p>	<p>160</p> <p>1 ignoring history. We are here today because this individual</p> <p>2 has been cited multiple times for violating conditions for</p> <p>3 her yoga studio operation. As part of my client's objection</p> <p>4 to this application is that, given that history -- first of</p> <p>5 all, that issue is relevant to why we are here today in any</p> <p>6 event, okay. But my clients go further. And I think you've</p> <p>7 been through the exhibits. My clients contend that this</p> <p>8 application should be denied. It should be denied based</p> <p>9 upon this individual's behavior in running a regulated</p> <p>10 business at her location for years. I've given the Court a</p> <p>11 case citation on that. It is good law. It's irrelevant to</p> <p>12 this proceeding. It is a basis for -- and the facts before</p> <p>13 you in this case. It is relevant to the position of my</p> <p>14 clients that this application should be denied because based</p> <p>15 upon the conduct of this individual, or historic conduct as</p> <p>16 a regulated business that has been in violation of the</p> <p>17 conditions for years, that in this instance, it may be</p> <p>18 unusual, but in this instance, given this history which is</p> <p>19 relevant to this application, the application should be</p> <p>20 denied and should be denied because the applicant has a</p> <p>21 track record demonstrating that she does not comply with the</p> <p>22 conditions of a land-use authorization. Not only an</p> <p>23 authorization by the department of permitting service, but</p> <p>24 indeed in addition to a court order of abatement. She is</p> <p>25 still violating it and was violating it. Now, it's all well</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

41 (161 to 164)

<p>161</p> <p>1 and good for Mr. Klopman to see here today and say, well, 2 you know, since November or at least March, my client has 3 been a good guy. But that's not relevant to the evaluation 4 as to whether or not this application should be granted. He 5 cannot rely -- in other words, he is saying to you for this 6 application for a major home occupation, since recent times 7 my client has only had five people at her classes, even 8 though she has two other locations where she is sending 9 people, that we should only focus on her conduct as a good 10 guy since the application has been filed. That's just not 11 right. That is not relevant to this application. 12 HEARING EXAMINER ROBESON: Mr. Klopman. 13 MR. KLOPMAN: Well, all I'm-- all I was -- I 14 really wasn't inviting Mr. Chen's speech. What I was just 15 commenting on was that these pictures predate the filing. 16 Most of them predate the filing of the application for 17 conditional use, and that therefore, they are not really 18 relevant. I guess I should have just said that. 19 HEARING EXAMINER ROBESON: Well, I guess the -- I 20 do think that history is relevant, at least to credibility. 21 So as far as more than that, I think there is something in 22 the Butler case about it. 23 MR. CHEN: Yes. Yes. 24 HEARING EXAMINER ROBESON: So I am going to let 25 it in and give it the weight it deserves.</p>	<p>163</p> <p>1 these -- the examples of the schedule, they only partially 2 reflect the activities. But I felt like they were useful to 3 get a sense of the scale of the activities at the home 4 studio. So -- 5 MR. CHEN: Is this consistent with what her 6 testimony has been? 7 MS. WOODHOUSE: No, it's not. 8 MR. CHEN: In what way? Please explain that. 9 MS. WOODHOUSE: So -- well, they haven't really 10 given a full sense of all the classes that have been held 11 there. There are some pretty regular classes, but then you 12 can see like on the 19th, there are some -- there are extra 13 classes added here and there whenever they wanted to have 14 them. So there are maybe what they might consider some core 15 things. But then a lot of other activities and a lot of 16 other instructors that come to the site and teach classes 17 that people are paying to attend. 18 MR. CHEN: And these are not disclosed on the 19 schedule that is the subject of the application? 20 MS. WOODHOUSE: No, they are not. 21 MR. CHEN: Okay. 22 HEARING EXAMINER ROBESON: Now, on page 20, that 23 scheduled there, that's the schedule for this application, 24 correct? Except it should be 8 to 10. 25 MS. WOODHOUSE: This was a previous version.</p>
<p>162</p> <p>1 MR. KLOPMAN: Thank you, Your Honor. 2 MR. CHEN: Okay. Did we get through section 1? 3 MS. WOODHOUSE: Yes. 4 MR. CHEN: Okay. I apologize. I wasn't sure. 5 Okay. Let's go now to page 19. And what is the heading on 6 that page? 7 MS. WOODHOUSE: Section 2 screenshots of Where 8 your One schedules. 9 MR. CHEN: Okay. For the record, this is Exhibit 10 46B. 11 HEARING EXAMINER ROBESON: Okay. 12 MR. CHEN: What is Exhibit 46B? 13 MS. WOODHOUSE: So this is information that was 14 captured by a computer screen shot from the Warrior One 15 studio website that shows a schedule of classes, some of the 16 weekly schedules. So the schedules begin on page 21. They 17 show the frequency of classes, the locations of class in 18 case people haven't read everything. The classes where they 19 don't say the location, those are at the home studio. If 20 they say North Potomac Community Center, they are at another 21 site. And if they say carriage house, they are at another 22 site. But the others are at the home studio. And, for 23 example, that first schedule the week of that we 19, it 24 shows 10 classes on the schedule, six of which were taught 25 by instructors other than Ms. Romano. And I would say</p>	<p>164</p> <p>1 HEARING EXAMINER ROBESON: Where did you get that 2 schedule? 3 MS. WOODHOUSE: This was from the originally 4 submitted application. 5 HEARING EXAMINER ROBESON: Oh. 6 MS. WOODHOUSE: So it's Exhibit 14. 7 HEARING EXAMINER ROBESON: Okay. 8 MR. KLOPMAN: Your Honor, can I -- tell me when I 9 can be heard on that, Your Honor. 10 HEARING EXAMINER ROBESON: Well, when you do 11 rebuttal, you can make a note and you will be able to follow 12 up on that. I do recall that there was some confusion at 13 the first hearing. But go ahead. 14 MS. WOODHOUSE: All right. So -- 15 MR. CHEN: Well, this -- for clarity, this was 16 prepared -- and I think that's where Mr. Klopman is coming 17 from. This was prepared at the time that Exhibit 14 18 reflected the schedule and it has been amended since then. 19 MR. KLOPMAN: The schedule was actually reflected 20 on page 2 of the application. 21 HEARING EXAMINER ROBESON: And it's only to 10. 22 MR. KLOPMAN: It says -- in fact, there is a 23 sentence I will read. 24 HEARING EXAMINER ROBESON: Okay, no. I -- 25 MR. KLOPMAN: I don't want to read it.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

42 (165 to 168)

<p>165</p> <p>1 HEARING EXAMINER ROBESON: I'm not here to argue 2 it. 3 MR. KLOPMAN: There is a sentence that makes it 4 clear that it was up to 10 with a max -- I mean, up to 8 to 5 10. And that's what it says. 6 HEARING EXAMINER ROBESON: Okay. 7 MR. KLOPMAN: That's what was requested in 8 accordance with this schedule. 9 HEARING EXAMINER ROBESON: I understand. 10 MR. CHEN: But this -- 11 MS. WOODHOUSE: This was current at the time 12 (inaudible). 13 HEARING EXAMINER ROBESON: I understand. I 14 understand. 15 MR. CHEN: This is their information. We have 16 (inaudible). 17 HEARING EXAMINER ROBESON: I know that. 18 MR. CHEN: Okay. 19 HEARING EXAMINER ROBESON: It was Exhibit 14. 20 MR. CHEN: Yes. Okay. 21 HEARING EXAMINER ROBESON: Okay. Go ahead. But 22 it evolved. 23 MS. WOODHOUSE: Yes. 24 MR. CHEN: Okay. 25 HEARING EXAMINER ROBESON: Okay. Go ahead.</p>	<p>167</p> <p>1 MR. KLOPMAN: I'm on it. 2 HEARING EXAMINER ROBESON: What page is it? 3 MR. KLOPMAN: 35. 4 HEARING EXAMINER ROBESON: Okay. I'm there. 5 MR. CHEN: Okay. What is this section? 6 MS. WOODHOUSE: So this section shows photos of 7 the congestion in the parking issues in the area due to the 8 yoga studio. 9 MR. CHEN: Okay. Now let me just stop you right 10 there. Who took the photos? 11 MS. WOODHOUSE: So it's -- I took some of the 12 photos and the Hubers took some of the photos. 13 MR. CHEN: Okay. Can you quickly identify the 14 ones that you took in the ones that the Hubers took? 15 MS. WOODHOUSE: So I think back to the April 19, 16 2018. 17 MR. CHEN: Okay. 18 MS. WOODHOUSE: I took the April 28, 2018. They 19 took July 13, 2018. They took July 14. I took some photos 20 the same day that -- I think these are there pictures. And 21 they took November 12, 2018. And then -- actually, 22 November -- there was one correction I wanted to make. I -- 23 let me make it now. November 13, 2018. 24 HEARING EXAMINER ROBESON: Can you give me a 25 page? Is it 43?</p>
<p>166</p> <p>1 MS. WOODHOUSE: All right. So also in this, on 2 page 22, I just wanted to note that there is a Warrior One 3 message from Facebook that says that the Monday, Wednesday, 4 Friday 9:15 classes, that they are not currently visible, 5 but are still being held. And they also tell customers not 6 to bring yoga mats. 7 HEARING EXAMINER ROBESON: What date is that? 8 MS. WOODHOUSE: This was -- 9 HEARING EXAMINER ROBESON: Is that 3/18? 10 MS. WOODHOUSE: (Inaudible) three -- 11 HEARING EXAMINER ROBESON: Are you on page 22 at 12 the bottom? 13 MS. WOODHOUSE: Yes. 14 HEARING EXAMINER ROBESON: Okay. 15 MS. WOODHOUSE: 3/18. So -- and this timing is 16 about a week prior to DPS issuing the citation to Ms. Romano 17 for exceeding the low-impact home occupation limits. 18 MR. CHEN: Okay. Let's move on to -- go to page 19 35 and read the caption on this page. 20 MS. WOODHOUSE: So the title on page -- of this 21 section, section 3, photos of traffic, park, and parking 22 concerns. 23 MR. CHEN: Okay. Just for the record Mme. 24 Examiner, we are now -- and Mr. Klopman, we are now at 25 Exhibit 46C.</p>	<p>168</p> <p>1 MS. WOODHOUSE: This is page 43, yes. There was 2 a mistake on the date. It should be -- it was labeled 3 incorrectly. It should be December 13, 2018. I'm pretty 4 sure November 19 was the Hubers. The 29th -- 5 MR. CHEN: (Inaudible). 6 MS. WOODHOUSE: I think it's there's, but I'm not 7 positive. 8 MR. CHEN: Which -- when you say 29 -- 9 MS. WOODHOUSE: The November -- 10 MR. CHEN: That's on page 44 we are talking 11 about? 12 MS. WOODHOUSE: 44, yes. 13 MR. CHEN: Okay. 14 MS. WOODHOUSE: Some of these, I took pictures 15 the same date. So it's a little bit confusing. December 3, 16 that's the Hubers. December 4, I think I took that one. -- 17 MR. CHEN: Or Let's stick with Huber, please. 18 MS. WOODHOUSE: Stick -- just theirs or -- 19 MR. CHEN: Just theirs. Identify theirs. 20 MS. WOODHOUSE: Oh, just theirs. Okay. January 21 4, January 6 -- sorry. That's me. I took that. January 7, 22 there are two pages of those. January 10, January 14, 23 January 15, January 20, January 22, January 26, and January 24 27. 25 MR. CHEN: I wanted you to be very careful</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

43 (169 to 172)

<p>169</p> <p>1 because this goes -- as I'm sure you have now realized, you 2 know, you are testifying to the accuracy of photographs. 3 Okay. And the information is applied. That's why I've 4 asked you to do that. So as I understand it, you have 5 identified all the photographs taken by the Hubers? 6 MS. WOODHOUSE: Yes. Yes. 7 MR. CHEN: Okay. Now let's go back to the 8 beginning. 9 HEARING EXAMINER ROBESON: Are you still laying 10 the foundation for this? 11 MR. CHEN: Yes. 12 HEARING EXAMINER ROBESON: Okay. Go ahead. 13 MR. CHEN: Now, with regard to the photographs 14 that have not been taken by the Hubers -- 15 MS. WOODHOUSE: Yes. 16 MR. CHEN: And you've identified those? 17 MS. WOODHOUSE: Yes. 18 MR. CHEN: Okay. Who took those photographs? 19 MS. WOODHOUSE: I did. 20 MR. CHEN: Okay. To those photographs accurately 21 depict what they purport to show? 22 MS. WOODHOUSE: Yes. 23 MR. CHEN: Okay. And you took them? 24 MS. WOODHOUSE: Yes. 25 MR. CHEN: Okay. Could you explain to the</p>	<p>171</p> <p>1 MS. WOODHOUSE: But with that correction, yes. 2 MR. CHEN: Okay. 3 HEARING EXAMINER ROBESON: What did the court 4 order come down? Do you know? 5 MS. WOODHOUSE: It was August 21. 6 HEARING EXAMINER ROBESON: Of what year? 7 MS. WOODHOUSE: 2018. 8 HEARING EXAMINER ROBESON: The abatement order? 9 MS. WOODHOUSE: The abatement order. 10 MR. CHEN: That's in the record. 11 HEARING EXAMINER ROBESON: I know it is. I 12 just -- 13 MR. CHEN: Okay. 14 HEARING EXAMINER ROBESON: Okay. Go ahead. 15 MR. CHEN: Okay. So again, in an effort, Mme. 16 Examiner, to just lie through this, the captions of the 17 activity and the dates of the photographs are the ones that 18 you took are all based upon your personal knowledge? 19 MS. WOODHOUSE: They -- 20 MR. CHEN: You've got two -- you got to say yes 21 or no. 22 MS. WOODHOUSE: Yes, they are. Yes, they are 23 accurate. 24 HEARING EXAMINER ROBESON: Are you done with 25 foundation yet? Because I can ask him for an objection.</p>
<p>170</p> <p>1 Hearing Examiner what been, in light of those photographs, 2 this exhibit purports to show? 3 MS. WOODHOUSE: So these pictures show what the 4 streets around the studio look like when a class is going 5 on. And I've seen this many times over the past years. And 6 I would note, however, that a lot of these pictures -- we 7 didn't really take that many pictures before the application 8 was filed in November. So a lot of these pictures are since 9 the application was filed. And I would want to clarify that 10 it's not the case that they have followed the limit since 11 the November filing date. 12 MR. CHEN: Okay. Okay. 13 MS. WOODHOUSE: I think that that can be said 14 since the March 4 hearing. 15 MR. CHEN: Okay. 16 MS. WOODHOUSE: But you will note that even in 17 these pictures, we see parking that's not what they 18 described since the filing. 19 MR. CHEN: So the dates -- this is very important 20 now. The dates that are identified with the photographs are 21 accurate dates. And these were your photographs of the 22 dates -- 23 MS. WOODHOUSE: Yes, there is the one correction 24 that I noted. 25 MR. CHEN: Yes, the December --</p>	<p>172</p> <p>1 MR. CHEN: Go right ahead. 2 HEARING EXAMINER ROBESON: Do you object? 3 MR. KLOPMAN: I don't see -- yes, I object 4 because I don't see any way for -- or any testimony that she 5 can say all those cars were yoga students. 6 HEARING EXAMINER ROBESON: Well, that something 7 you can bring out on cross. It's not that she has laid the 8 foundation that it was actually her that took the pictures. 9 So I'm going to let that in as 46. I guess it's -- 10 MR. CHEN: Now, let's just get to that subject 11 for a minute. How do you know that these vehicles in these 12 photographs are associated with a yoga class? 13 MS. WOODHOUSE: Well, we see the people 14 (inaudible) we had the schedules that support there is a 15 class going on at that time. We see people arrive, see them 16 park, and see them walk into -- the yoga studio has some 17 doors that are directly to the -- we see them go in there. 18 And then, you know, an hour and 15 minutes later, they come 19 out from those stores and walked to the cars and then they 20 leave. So it seems pretty obvious that that's what it is, 21 but that's what we are observing. 22 MR. CHEN: Okay. Do you recognize cars? 23 MS. WOODHOUSE: I recognize some cars, yes. 24 MR. CHEN: Okay. And are these -- how do you -- 25 what is your understanding of the cars that you recognize?</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

44 (173 to 176)

<p>173</p> <p>1 MS. WOODHOUSE: Well, they would kind of go into</p> <p>2 two different categories. One is people that I know the</p> <p>3 people, and then I see their cars. And the other is from</p> <p>4 one week to the next, we see the same cars coming back. So</p> <p>5 there is like a bright green car this kind of boxy looking.</p> <p>6 You see it come. And so repeatedly and only when -- at the</p> <p>7 time when a yoga class is going on. So you sort of -- even</p> <p>8 like the people that attend the class, in the hearing they</p> <p>9 said they see the cars and they know who is in the class.</p> <p>10 It's kind of -- you get used to seeing the same cars too.</p> <p>11 MR. CHEN: So your understanding and your</p> <p>12 position that these are yoga class students is based on your</p> <p>13 understanding of when a yoga class is being conducted based</p> <p>14 upon the posting of that information by the --</p> <p>15 MS. WOODHOUSE: Well, yeah. So that helps, but I</p> <p>16 have to tell you, this was going on for years before I knew</p> <p>17 about the schedules. And you know, when you live right</p> <p>18 there and you see people -- this is a daily basis,</p> <p>19 occurrence. You see them and you just asked you can figure</p> <p>20 out when the classes are and the same next week you can --</p> <p>21 you know, the people come at the same time. And so the</p> <p>22 schedules kind of help you, especially if there is something</p> <p>23 that is not regularly scheduled. Then that gives you for</p> <p>24 the support of what it looks like. But even without the</p> <p>25 schedules, it's so regular and repetitive that you learn the</p>	<p>175</p> <p>1 about 9:00 and 9:30 (inaudible).</p> <p>2 MR. KLOPMAN: And your son goes to Jones Lane</p> <p>3 Elementary School?</p> <p>4 MS. WOODHOUSE: My younger son, yes.</p> <p>5 MR. KLOPMAN: Okay. And you -- do you have</p> <p>6 another child?</p> <p>7 MS. WOODHOUSE: So I have that son that goes to</p> <p>8 Jones Lane Elementary, and then another son. And I also</p> <p>9 have a daughter.</p> <p>10 MR. KLOPMAN: Okay. And did your other son go to</p> <p>11 Jones Lane before?</p> <p>12 MS. WOODHOUSE: Yes, both of my older children</p> <p>13 went there.</p> <p>14 MR. KLOPMAN: Okay. And you always drive them to</p> <p>15 Jones Lane Elementary School?</p> <p>16 MS. WOODHOUSE: Only the younger one. The other</p> <p>17 one -- the older ones, we walked.</p> <p>18 MR. KLOPMAN: Okay. And what time did you</p> <p>19 take -- what time do you take your son that goes to the</p> <p>20 Jones Lane; what time do you take him to Jones Lane?</p> <p>21 MS. WOODHOUSE: About 8:45.</p> <p>22 MR. KLOPMAN: And school starts around 9:00; is</p> <p>23 that right?</p> <p>24 MS. WOODHOUSE: Yeah. They go in around that</p> <p>25 time.</p>
<p>174</p> <p>1 cars and the schedules too.</p> <p>2 MR. CHEN: Okay. I have no for the questions.</p> <p>3 HEARING EXAMINER ROBESON: Mr. Klopman.</p> <p>4 MR. KLOPMAN: Thank you, Your Honor. Ms.</p> <p>5 Woodhouse, you said you worked outside --</p> <p>6 MR. CHEN: Oh, excuse me. If I may -- I</p> <p>7 apologize. Did you file complaints?</p> <p>8 MS. WOODHOUSE: Yes, I did.</p> <p>9 MR. CHEN: With the -- with the County?</p> <p>10 MS. WOODHOUSE: Yes.</p> <p>11 MR. CHEN: Okay. Thank you (inaudible).</p> <p>12 HEARING EXAMINER ROBESON: Okay. Mr. Klopman.</p> <p>13 MR. KLOPMAN: (Inaudible) asked. You said on</p> <p>14 your direct examination, Ms. Woodhouse, that's work outside</p> <p>15 the home. Is that correct?</p> <p>16 MS. WOODHOUSE: Yes, I do.</p> <p>17 MR. KLOPMAN: And what you do?</p> <p>18 MS. WOODHOUSE: I'm a federal government</p> <p>19 employee.</p> <p>20 MR. KLOPMAN: Okay. And what are your hours that</p> <p>21 you go into your office?</p> <p>22 MS. WOODHOUSE: So I usually, like I stated, I</p> <p>23 take my son to school first at the elementary school. And</p> <p>24 then I'll come back home, to the last-minute things, and</p> <p>25 they go to work. So it's, in general, it's been between</p>	<p>176</p> <p>1 MR. KLOPMAN: But the school is actually in</p> <p>2 session at 9:00?</p> <p>3 MS. WOODHOUSE: Well, they have -- the classes</p> <p>4 doesn't start until a little later, but they can go in, and</p> <p>5 they do morning work. There's a lot of time there's like --</p> <p>6 MR. KLOPMAN: There's a --</p> <p>7 MS. WOODHOUSE: They can go into the classroom,</p> <p>8 yes.</p> <p>9 MR. KLOPMAN: All right.</p> <p>10 MS. WOODHOUSE: And sign up for --</p> <p>11 MR. KLOPMAN: I'm sorry?</p> <p>12 MS. WOODHOUSE: They go in the classroom, pick</p> <p>13 their lunches, so that kind of thing. And then the class</p> <p>14 instruction starts a little bit later. Not too --</p> <p>15 MR. KLOPMAN: There's a patrol guard, a crossing</p> <p>16 guard on Jones Lane and falcon Ridge Lane; isn't that</p> <p>17 correct?</p> <p>18 MS. WOODHOUSE: There's a professional -- an</p> <p>19 adult there, and then some children on a - my corner. Right</p> <p>20 across from the warrior one studio.</p> <p>21 MR. KLOPMAN: That person that's the crossing</p> <p>22 guard leaves around 9:00?</p> <p>23 MS. WOODHOUSE: Yes.</p> <p>24 MR. KLOPMAN: Thank you. And then leave for work</p> <p>25 somewhere between 9:00 and 9:30 every day, Monday through</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

45 (177 to 180)

<p>177</p> <p>1 Friday?</p> <p>2 MS. WOODHOUSE: No. Some days I do work from</p> <p>3 home so those days I would not leave at that time.</p> <p>4 MR. KLOPMAN: Do you -- is yet -- how many days a</p> <p>5 month stay at home and work?</p> <p>6 MS. WOODHOUSE: One day a week.</p> <p>7 MR. KLOPMAN: One day a week?</p> <p>8 MS. WOODHOUSE: Usually one day a week.</p> <p>9 MR. KLOPMAN: And what day of the week is that?</p> <p>10 MS. WOODHOUSE: It varies. It's a most often</p> <p>11 Tuesdays and Thursdays.</p> <p>12 MR. KLOPMAN: Tuesdays or Thursdays. So it's a</p> <p>13 fair statement that Monday, Wednesday, and Fridays you leave</p> <p>14 for work around 9:00; between 9:00, 9:30, and you're on your</p> <p>15 way to work?</p> <p>16 MS. WOODHOUSE: Well, that's my most common --</p> <p>17 there are sometimes where I might need to go earlier if I</p> <p>18 have something happen, you know. And then my husband will</p> <p>19 take my son to school. And then I will go in at whatever</p> <p>20 time I need to go. And it might also be that, you know, I</p> <p>21 have an appointment or something and I've taken time off,</p> <p>22 and then I would not go on those days that you mentioned.</p> <p>23 MR. KLOPMAN: Okay. I just want to establish</p> <p>24 that on Mondays, Wednesdays, and Fridays in the morning go</p> <p>25 to work, correct?</p>	<p>179</p> <p>1 9:15.</p> <p>2 MR. KLOPMAN: Okay.</p> <p>3 MS. WOODHOUSE: So actually, it's really --</p> <p>4 coincides exactly with the time I'm leaving.</p> <p>5 MR. KLOPMAN: Okay.</p> <p>6 MS. WOODHOUSE: And though if I'm leaving and</p> <p>7 there are people coming in, then, you know, they kind of</p> <p>8 arrive all at the same time. So I can get stuck in my</p> <p>9 driveway. And then once they've parked, then I can't see</p> <p>10 anymore. So actually, it's exactly the time that interferes</p> <p>11 with when I leave; if that's what interest you. It is when</p> <p>12 I leave for work.</p> <p>13 MR. KLOPMAN: I'm just trying to ask you some</p> <p>14 questions, Ms. Woodhouse.</p> <p>15 MS. WOODHOUSE: Okay.</p> <p>16 MR. KLOPMAN: So the kids though during the</p> <p>17 school year, Monday through Friday, they're not around in</p> <p>18 the neighborhood when those classes are given on Monday,</p> <p>19 Wednesday, and Friday?</p> <p>20 MS. WOODHOUSE: Right. If the Monday --</p> <p>21 MR. KLOPMAN: Thank you.</p> <p>22 MS. WOODHOUSE: -- The morning classes --</p> <p>23 MR. KLOPMAN: So all I wanted to know is yes, or</p> <p>24 no.</p> <p>25 MS. WOODHOUSE: Yes.</p>
<p>178</p> <p>1 MS. WOODHOUSE: Generally, unless there's</p> <p>2 something else going on, yes.</p> <p>3 MR. KLOPMAN: Okay. And what time will come</p> <p>4 home?</p> <p>5 MS. WOODHOUSE: So again, it can't vary. I would</p> <p>6 say typically between 5:30 and 6:00 would be the most</p> <p>7 frequent.</p> <p>8 MR. KLOPMAN: Okay. Thank you. So it's a fair</p> <p>9 statement then that class says, if they start at nine -- you</p> <p>10 understand the classes are an hour and -- the yoga classes</p> <p>11 I'm just focusing in on now; they are an hour and 15 minutes</p> <p>12 long, correct?</p> <p>13 MS. WOODHOUSE: Well, on your schedule that you</p> <p>14 submitted?</p> <p>15 MR. KLOPMAN: Yeah, that's what the application</p> <p>16 is for. It's for classes that are for one hour and 15</p> <p>17 minutes.</p> <p>18 MS. WOODHOUSE: All right. Yes. Yes.</p> <p>19 MR. KLOPMAN: And they are also -- you understand</p> <p>20 that the class schedule is Monday, Wednesdays and Fridays,</p> <p>21 9:15 to 10:30; that's correct? That's what the application</p> <p>22 is for. And on Mondays, Wednesdays, and Fridays aren't</p> <p>23 around during those times, correct?</p> <p>24 MS. WOODHOUSE: Actually -- well, that's right.</p> <p>25 As I said, I leave for work -- the most often is around</p>	<p>180</p> <p>1 MR. KLOPMAN: Thank you. Now, you're bothered,</p> <p>2 as I understand it, by -- well one of the things that</p> <p>3 bothers you is the night classes, the lights from the</p> <p>4 headlights from the cars; is that correct?</p> <p>5 MS. WOODHOUSE: I would say that's one thing.</p> <p>6 That's not the --</p> <p>7 MR. KLOPMAN: I'm just asking you yes or no;</p> <p>8 that's one of the things that bothers you, yes?</p> <p>9 MS. WOODHOUSE: It is one of the things, yes.</p> <p>10 MR. KLOPMAN: And it also bothers you that cars,</p> <p>11 and people driving up and down the street, if their cars on</p> <p>12 the street, on falcon Ridge Drive, from the yoga studio, if</p> <p>13 there were cars that were parked on the street, that would</p> <p>14 bother you, correct?</p> <p>15 MS. WOODHOUSE: If there are cars from the --</p> <p>16 yoga studio customers are parked on falcon Ridge Drive, that</p> <p>17 bothers me when I can't see cars coming or if the cars that</p> <p>18 are trying to come through, they are having trouble getting</p> <p>19 through; that would be where the problem is.</p> <p>20 MR. KLOPMAN: Okay. But people drive on</p> <p>21 Falconbridge and drive all the time, correct? I mean you've</p> <p>22 told me that that there are people going up and down</p> <p>23 Falconbridge Drive, correct?</p> <p>24 MS. WOODHOUSE: And when the travel lanes are</p> <p>25 available, there's not a problem. It's a problem --</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

46 (181 to 184)

<p>181</p> <p>1 MR. KLOPMAN: And you were here with Mr. Patel --</p> <p>2 MR. CHEN: Excuse me. She didn't get finished.</p> <p>3 MR. KLOPMAN: I thought she was. I'm sorry. You</p> <p>4 were here at the last hearing on March 4th when Mr. Patel,</p> <p>5 your neighbor, testified, correct?</p> <p>6 MS. WOODHOUSE: Yes. I don't really know him,</p> <p>7 but I was here when he -</p> <p>8 MR. KLOPMAN: You were in the hearing room?</p> <p>9 MS. WOODHOUSE: I was in the hearing room, yes.</p> <p>10 MR. KLOPMAN: Okay. And you heard him say that</p> <p>11 he was -- he looked at Exhibit number 64, page 4 of the</p> <p>12 Planning Board Staff Report, 64-A. You heard him say he</p> <p>13 looked at this Planning Board Report, this picture. And you</p> <p>14 heard him say that this did fairly and accurately depict how</p> <p>15 Falconbridge drive looks regularly, correct?</p> <p>16 MS. WOODHOUSE: I don't know. I mean it's the</p> <p>17 street, and it's the houses so I -</p> <p>18 MR. KLOPMAN: The parking. I asked him about the</p> <p>19 parking.</p> <p>20 MS. WOODHOUSE: Uh-huh. I guess I would agree</p> <p>21 with that.</p> <p>22 MR. KLOPMAN: Okay. But that's what he testified</p> <p>23 to, correct? You heard him testify to that?</p> <p>24 MS. WOODHOUSE: I did hear the testimony.</p> <p>25 MR. KLOPMAN: And Ms. Agresti testified to that</p>	<p>183</p> <p>1 class?</p> <p>2 MS. WOODHOUSE: There your pictures.</p> <p>3 MR. KLOPMAN: You're the one that said it was a</p> <p>4 Sunday class.</p> <p>5 MS. WOODHOUSE: Well, I did look at the dates.</p> <p>6 MR. KLOPMAN: Which one of the dates and that</p> <p>7 I've gotten? There's a March 7, March 30, April 11, April</p> <p>8 14, and April 20 of this -</p> <p>9 MS. WOODHOUSE: I'm sure we --</p> <p>10 HEARING EXAMINER ROBESON: One last chance.</p> <p>11 MS. WOODHOUSE: -- figure that out.</p> <p>12 HEARING EXAMINER ROBESON: If you know, answer.</p> <p>13 If you don't know --</p> <p>14 MS. WOODHOUSE: I don't know. But there are</p> <p>15 Sunday classes, and there are Thursday evening classes, and</p> <p>16 I did not see either of those on the schedule in the</p> <p>17 Application.</p> <p>18 MR. KLOPMAN: Objection. It's not responsive,</p> <p>19 Your Honor. I didn't ask her about what was on the</p> <p>20 schedule. I just asked her about the pictures.</p> <p>21 MS. WOODHOUSE: While the dates are on the</p> <p>22 pictures so you could find that quite easily.</p> <p>23 MR. KLOPMAN: All I'm asking you is about these</p> <p>24 pictures. May I give MS. WOODHOUSE the exhibit?</p> <p>25 HEARING EXAMINER ROBESON: Yes. March 7 is the</p>
<p>182</p> <p>1 also, that this picture fairly and accurately depicts</p> <p>2 Falconbridge Drive, and Falconbridge Terrace on a typical</p> <p>3 day; you heard that too, didn't you?</p> <p>4 MS. WOODHOUSE: I did hear the testimony. I</p> <p>5 don't agree that that's accurate.</p> <p>6 MR. KLOPMAN: And you've seen the recent package</p> <p>7 that I submitted to the Hearing Examiner; Exhibit 88 and the</p> <p>8 pictures. You seem that, those pictures?</p> <p>9 MS. WOODHOUSE: Yes.</p> <p>10 MR. KLOPMAN: You look at them, you spent some</p> <p>11 time with them?</p> <p>12 MS. WOODHOUSE: I did. I notice the one that's</p> <p>13 the same day as mine.</p> <p>14 MR. KLOPMAN: Okay.</p> <p>15 MS. WOODHOUSE: I also noted there were Thursday,</p> <p>16 two different times, so I wasn't sure - you said when the</p> <p>17 classes are scheduled, I saw Thursday afternoon, and then a</p> <p>18 Thursday evening. And then I saw a Saturday class, and a</p> <p>19 Sunday class, which I didn't see Sunday on the schedule; or</p> <p>20 a Thursday evening.</p> <p>21 MR. KLOPMAN: I don't know. I don't think</p> <p>22 there's any -- what day is the Sunday class?</p> <p>23 MS. WOODHOUSE: There in your packet.</p> <p>24 MR. KLOPMAN: Yeah. What day on the -- of the 17</p> <p>25 pictures that are date and time, which one is a Sunday</p>	<p>184</p> <p>1 first four pictures. Do you see that?</p> <p>2 MS. WOODHOUSE: Wait, let me look. Let me get to</p> <p>3 it.</p> <p>4 MR. KLOPMAN: Got them? I'm just asking, tell me</p> <p>5 when you have them.</p> <p>6 MS. WOODHOUSE: I have to figure out -- you want</p> <p>7 to know when a Sunday is, so I need to calculate --</p> <p>8 MR. KLOPMAN: No, I'm asking -- I'm moving on to</p> <p>9 another subject now.</p> <p>10 MS. WOODHOUSE: Okay. If you want to know the</p> <p>11 Sunday, I can figure it out because one of those days is --</p> <p>12 MR. KLOPMAN: No. We'll get to it.</p> <p>13 MS. WOODHOUSE: - near my birthday and I can --</p> <p>14 HEARING EXAMINER ROBESON: Okay. Just one at a</p> <p>15 time. You stop talking, you ask your next question.</p> <p>16 MR. KLOPMAN: March 7, these four pictures</p> <p>17 show -- March 7 was a Thursday, correct?</p> <p>18 MS. WOODHOUSE: I have not figured out the dates.</p> <p>19 You told me to stop doing that. I don't know the dates of</p> <p>20 the week. I have the days I -</p> <p>21 MR. KLOPMAN: Well, I'll help you out.</p> <p>22 HEARING EXAMINER ROBESON: Mr. Klopman -</p> <p>23 MS. WOODHOUSE: - look at it with a calendar.</p> <p>24 HEARING EXAMINER ROBESON: - I think it's pretty</p> <p>25 clear it doesn't help to ask her what day a certain date is.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

47 (185 to 188)

<p>185</p> <p>1 MR. KLOPMAN: I looked at them with a calendar, 2 but I do not remember. 3 HEARING EXAMINER ROBESON: Unless you have a 4 calendar. 5 MR. KLOPMAN: Your Honor, I would like to get 6 through it. I'll move on. 7 HEARING EXAMINER ROBESON: Okay. 8 MR. KLOPMAN: These pictures were taken, they are 9 dated. Do you see the parking conditions on the various 10 streets, Falconbridge drive, and Falconbridge Terrace? 11 MS. WOODHOUSE: Yes. But if you're saying that 12 there when classes are that's -- these are the streets, but 13 the time does seem relevant if you're saying it's when 14 classes. 15 MR. KLOPMAN: What I wanted to ask you, is to 16 these pictures fairly and accurately depict the conditions 17 of the streets at the times indicated? 18 MS. WOODHOUSE: Well, I -- I mean you say they 19 are at these times, and I believe you so - 20 MR. KLOPMAN: Well, do the pictures accurately 21 and fairly depict the parking conditions? 22 HEARING EXAMINER ROBESON: From your personal 23 knowledge. 24 MS. WOODHOUSE: Well, they can look like this, 25 but I don't remember this particular date and time. But</p>	<p>187</p> <p>1 MR. KLOPMAN: Yeah, 88. 2 MR. CHEN: What's the date on that again, please? 3 MR. KLOPMAN: April 20, 2019 at 9:00 a.m. 4 MS. WOODHOUSE: This one of the driveway? 5 MR. KLOPMAN: Of the street. 6 MS. WOODHOUSE: All right. I see. I've got it. 7 MR. KLOPMAN: Okay. And there's a car in that 8 picture. 9 MS. WOODHOUSE: 10 HEARING EXAMINER ROBESON: Can I know which one? 11 Can I see it, so I know which one it is? 12 MR. KLOPMAN: It's a this one, Your Honor. 13 HEARING EXAMINER ROBESON: Okay. Thank you. 14 MR. KLOPMAN: There's a car in the street; do you 15 see that? 16 MS. WOODHOUSE: Yes. 17 MR. KLOPMAN: Okay. And it's parked along your 18 house? 19 MS. WOODHOUSE: Well, it's right around the 20 border of my house, and the Huber's house. It's not my car. 21 MR. KLOPMAN: Whose car is it? 22 MS. WOODHOUSE: It's the Huber's car. It's kind 23 of parked partly in front of their house, and partly in 24 front -- like right where the lots meet. 25</p>
<p>186</p> <p>1 these -- I believe you, so - 2 MR. CHEN: Fine, asked and answered. She's 3 answered. 4 MR. KLOPMAN: And these are -- these pictures 5 show what the typical conditions are on Falconbridge Drive 6 and Falconbridge Terrace; do you believe - 7 MS. WOODHOUSE: Well, it's - 8 MR. CHEN: Object to the mischaracterization. 9 MS. WOODHOUSE: I would say that not entirely 10 because this picture, March 30th that you provided of the 11 driveway, it doesn't accurately depict that there is a car 12 parked right here on the street. So from that portion of 13 the street on, yes. But -- 14 MR. KLOPMAN: I'm just talking about the parking 15 conditions on the street. 16 MR. CHEN: She's answered. 17 MS. WOODHOUSE: That's -- 18 HEARING EXAMINER ROBESON: Well, the -- 19 MS. WOODHOUSE: I'm addressing parking conditions 20 in the street. This cuts off the parked car on the street. 21 So I can't -- I don't know what else is cut off in the other 22 pictures. 23 MR. KLOPMAN: You have the picture of April 20, 24 2019 at 9:00 a.m. 25 HEARING EXAMINER ROBESON: This is in your 88?</p>	<p>188</p> <p>1 MR. KLOPMAN: Did you ever complain to the 2 Huber's about them parking in front of there? 3 MS. WOODHOUSE: No, they are - 4 MR. KLOPMAN: Did they ever -- I'm sorry. 5 MS. WOODHOUSE: There parking in front of their 6 house too. 7 MR. KLOPMAN: While it's parked in front of your 8 house also, isn't it? 9 MS. WOODHOUSE: Well, I mean that's pretty often 10 that in a neighborhood you might be a little bit in front of 11 one house, and a little bit in front of another house. 12 MR. KLOPMAN: But rather than them parking in 13 front of the Huber house only, it's parked closer to your 14 house, and closer to the Romano's house, correct? 15 MS. WOODHOUSE: Well, they've had a lot of cars 16 hit on Falconbridge Drive, so they park near the light. 17 There's a light there, so that people can -- 18 MR. KLOPMAN: This is in the middle of the day. 19 MS. WOODHOUSE: Well, they're not going to be 20 moving their car around during the day. 21 MR. KLOPMAN: Did Ms. Huber, are the Huber's ask 22 you for permission to park close to your house, on the 23 street? 24 MS. WOODHOUSE: Well, it's close to their house 25 too.</p>



Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

48 (189 to 192)

<p>189</p> <p>1 MR. KLOPMAN: I know. But I'm asking if they 2 asked you for permission to park back car close to your 3 house? 4 MS. WOODHOUSE: 5 MR. CHEN: Objection to relevancy. 6 HEARING EXAMINER ROBESON: Yeah, I guess I'm not 7 following because she doesn't need a conditional use 8 approval. 9 MR. KLOPMAN: No, that's correct, Your Honor. 10 I'm just trying to make a point about parking. 11 HEARING EXAMINER ROBESON: I understand it. I'm 12 not sure they are equivalent, but I think you've made your 13 point. 14 MR. KLOPMAN: Thank you, Your Honor. I'll move 15 on. Ms. Woodhouse, you talk about the violations in the 16 history of the violations that you documented in this 17 exhibit, which I think is, hang on. 18 HEARING EXAMINER ROBESON: 46? 19 MR. KLOPMAN: 45. 20 MR. CHEN: It's 45, Your Honor. 21 MR. KLOPMAN: Now, you prepared this document, 22 correct? 23 MS. WOODHOUSE: Yes. 24 MR. KLOPMAN: And there are no violations on 25 record prior to January 2017, correct?</p>	<p>191</p> <p>1 for a certificate that allows her to have five people -- up 2 to five people at her house, correct? 3 MS. WOODHOUSE: So yes. And so I can say that 4 what's listed here is what I observed. I can testify to 5 that. And then they did come, and then they -- 6 MR. KLOPMAN: The violation was corrected. 7 MS. WOODHOUSE: In getting a home certificate, 8 but not by, you know, it's not that the number of people 9 ended up going down. So -- 10 MR. KLOPMAN: Well, you -- 11 MS. WOODHOUSE: - it's corrected in the technical 12 sense. 13 MR. KLOPMAN: Because she got a certificate. 14 MS. WOODHOUSE: She got a certificate. 15 MR. KLOPMAN: And then that's what the DPS 16 records show, that the violation was corrected? 17 MS. WOODHOUSE: Yes. 18 MR. KLOPMAN: And then there's another complaint 19 on May 18, 2017. Did you make that complaint? 20 MS. WOODHOUSE: Yes. And the reason I made it 21 was because she obtained the home certificate, the low 22 impact home certificate -- home occupation certificate, but 23 then continued to have the same level of people that she had 24 before, violating the limits that are set by the home 25 occupation certificate.</p>
<p>190</p> <p>1 MS. WOODHOUSE: Well, there are none that are 2 available on the DPS website. 3 MR. KLOPMAN: None that you found; is that 4 correct? 5 MS. WOODHOUSE: None that I found. 6 MR. KLOPMAN: And then you indicated that the 7 service request description that's in this first page, 8 that's what was reported to the DPS, correct? That's not -- 9 that's what was reported, that was the complaint. 10 MS. WOODHOUSE: Right. So the top part is what's 11 reported, and then the bottom part is what they find. 12 MR. KLOPMAN: Right. 13 MS. WOODHOUSE: Yeah. 14 MR. KLOPMAN: So the first report is whoever made 15 the complaint. Did you make this complaint? 16 MS. WOODHOUSE: Yes, I did. 17 MR. KLOPMAN: You made the complaint on January 18 22, 2017? 19 MS. WOODHOUSE: Yes. 20 MR. KLOPMAN: Okay. And you made it anonymously 21 as I understand it? 22 MS. WOODHOUSE: Yes. 23 MR. KLOPMAN: Okay. And you made that complaint 24 so that's what you told them, and then they came out, the 25 DPS comes out and they inspect, and Ms. Romano then files</p>	<p>192</p> <p>1 MR. KLOPMAN: And the inspector came out and said 2 that there were seven people there; is that correct? 3 MS. WOODHOUSE: Yes. 4 MR. KLOPMAN: And then on June 14 it was 5 reinspected by the inspector and the inspector found that 6 there was compliance; there were five people there? 7 MS. WOODHOUSE: Well, typically they give you 30 8 days to correct. 9 MR. KLOPMAN: I'm just asking you, ma'am, it's 10 going to be -- it's -- 11 HEARING EXAMINER ROBESON: Yeah, just answer the 12 question, please. 13 MR. KLOPMAN: I don't mean to cut you off. I'm 14 just trying to get through this. 15 MS. WOODHOUSE: Okay. 16 MR. KLOPMAN: We are going to be here until 17 midnight -- 18 HEARING EXAMINER ROBESON: Whether it looks -- 19 you know, whether you think it looks bad, or you don't, just 20 answer the question. 21 MS. WOODHOUSE: Okay. Yes. 22 MR. KLOPMAN: So the inspector said that it was 23 corrected between January -- 24 MS. WOODHOUSE: Well, it doesn't say corrected. 25 Oh no, yeah it does; violation corrected.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

49 (193 to 196)

<p>193</p> <p>1 MR. KLOPMAN: So between January 22, 2017 and May</p> <p>2 18, 2017, did you make any other complaints?</p> <p>3 MS. WOODHOUSE: No.</p> <p>4 MR. KLOPMAN: And again, this was an anonymous</p> <p>5 complaint, correct?</p> <p>6 MS. WOODHOUSE: Yes.</p> <p>7 MR. KLOPMAN: Did you ever, at the time you made</p> <p>8 these complaints, did you ever go to Ms. Romano and ask her</p> <p>9 about it?</p> <p>10 MS. WOODHOUSE: Not at this point.</p> <p>11 MR. KLOPMAN: Right.</p> <p>12 MS. WOODHOUSE: No.</p> <p>13 MR. KLOPMAN: Okay. And then on July 12, 2017,</p> <p>14 there's another complaint; is that correct?</p> <p>15 MS. WOODHOUSE: Yes.</p> <p>16 MR. KLOPMAN: And did you make that one?</p> <p>17 MS. WOODHOUSE: Yes, I did.</p> <p>18 MR. KLOPMAN: Okay. And that was based upon</p> <p>19 exceeding the five-person daily limit; is that correct?</p> <p>20 MS. WOODHOUSE: It was exceeding the limit.</p> <p>21 MR. KLOPMAN: Was there six or seven people</p> <p>22 there?</p> <p>23 MS. WOODHOUSE: It's -- each time was a little</p> <p>24 different, but it was much more than five. It was not six,</p> <p>25 regularly.</p>	<p>195</p> <p>1 to read what's on the page, but I do object to him</p> <p>2 attempting to ask her what it means, or what was intended,</p> <p>3 and that type of thing.</p> <p>4 HEARING EXAMINER ROBESON: Well, he can ask -</p> <p>5 MR. CHEN: It's just -</p> <p>6 HEARING EXAMINER ROBESON: He -</p> <p>7 MR. CHEN: He -</p> <p>8 HEARING EXAMINER ROBESON: Just a second. He can</p> <p>9 ask what she thinks it means.</p> <p>10 MR. CHEN: Okay.</p> <p>11 HEARING EXAMINER ROBESON: He can do that.</p> <p>12 MR. CHEN: Right. Fine.</p> <p>13 HEARING EXAMINER ROBESON: It's not testimony.</p> <p>14 MR. CHEN: I have no problem with the way you -</p> <p>15 HEARING EXAMINER ROBESON: It's not -</p> <p>16 MR. CHEN: - the way you stated I have no problem</p> <p>17 with that.</p> <p>18 HEARING EXAMINER ROBESON: Okay.</p> <p>19 MR. KLOPMAN: He only has a problem with the way</p> <p>20 I stated.</p> <p>21 HEARING EXAMINER ROBESON: Well -</p> <p>22 MR. CHEN: Well, yes.</p> <p>23 HEARING EXAMINER ROBESON: Well, what -- okay.</p> <p>24 That's enough.</p> <p>25 MR. KLOPMAN: Okay. I'll move on. Did you make</p>
<p>194</p> <p>1 MR. KLOPMAN: Well, there's no note as to how</p> <p>2 many it is.</p> <p>3 MR. CHEN: Objection.</p> <p>4 MS. WOODHOUSE: Yes, it's a lot of -- you have to</p> <p>5 keep track, and then if it's 8 on one day and 10 on another</p> <p>6 day, you know, it's -- really, if you're exceeding the</p> <p>7 limits, you're exceeding the limit so.</p> <p>8 MR. KLOPMAN: I'm just asking you, on this</p> <p>9 complaint, on May -- on July 12, 2017, it doesn't say -- it</p> <p>10 just says exceeding five. And then went the inspector came</p> <p>11 out, what did he find? He found that it was -- that he saw</p> <p>12 five people leaving the home.</p> <p>13 MS. WOODHOUSE: No. He says saw more than five.</p> <p>14 MR. KLOPMAN: More than five, right. And then he</p> <p>15 came out again on August 18th, 2017 and he found that the</p> <p>16 home occupation was restored to five visits, correct? It</p> <p>17 was corrected?</p> <p>18 MS. WOODHOUSE: I'm trying to --</p> <p>19 MR. KLOPMAN: That's what it says.</p> <p>20 MS. WOODHOUSE: Oh yes. Yeah, I'm trying to find</p> <p>21 it. Yes. I --</p> <p>22 HEARING EXAMINER ROBESON: Just a second. Just -</p> <p>23 MR. KLOPMAN: It's on page 10.</p> <p>24 HEARING EXAMINER ROBESON: I know - I --</p> <p>25 MR. CHEN: I have no objection to him asking her</p>	<p>196</p> <p>1 any more complaints to the DPS, other than these that are</p> <p>2 marked on here?</p> <p>3 MS. WOODHOUSE: Of what's here?</p> <p>4 MR. KLOPMAN: Yeah, did you call them that other</p> <p>5 times that aren't documented here?</p> <p>6 MS. WOODHOUSE: Yes.</p> <p>7 MR. KLOPMAN: How many other times did you call?</p> <p>8 MS. WOODHOUSE: But you didn't get to one -- the</p> <p>9 last one that I didn't file.</p> <p>10 MR. KLOPMAN: I'm talking about through July</p> <p>11 2017.</p> <p>12 HEARING EXAMINER ROBESON: Just a second - okay.</p> <p>13 Stop. You need to just answer his question, okay?</p> <p>14 MS. WOODHOUSE: Okay.</p> <p>15 HEARING EXAMINER ROBESON: All right.</p> <p>16 MR. KLOPMAN: Through July -</p> <p>17 HEARING EXAMINER ROBESON: Your attorney is going</p> <p>18 to have some redirect and ask you if you -- in case you</p> <p>19 forgot anything. Okay, so let's focus on just getting</p> <p>20 through this and answering his questions. Okay.</p> <p>21 MR. KLOPMAN: Okay.</p> <p>22 HEARING EXAMINER ROBESON: Did I disturb your</p> <p>23 train of thought?</p> <p>24 MR. KLOPMAN: No. I was looking down; I didn't</p> <p>25 see that you are still talking. Up until July 2017, had you</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

50 (197 to 200)

<p>197</p> <p>1 made other complaints to the DPS that aren't documented 2 here? 3 MS. WOODHOUSE: Yes. Yes. 4 MR. KLOPMAN: How many other complaints did you 5 make? 6 MS. WOODHOUSE: Two. 7 MR. KLOPMAN: Two others? 8 MS. WOODHOUSE: Two others. 9 MR. KLOPMAN: And then DPS person came out and 10 didn't find a violation on those two times, correct? 11 MS. WOODHOUSE: Oh. Oh, okay. Well, that -- I 12 take it back. So three others. There was one, so that one 13 that you said, where they didn't find, so three. 14 MR. KLOPMAN: Three times they came out and 15 didn't find a violation? 16 MS. WOODHOUSE: No, no, no. That's not what I'm 17 saying. One time they came and didn't find a violation. It 18 was an anonymous complaint, and they did not find a 19 violation. Then there was a phone complaint and that they 20 found a lot of - they came -- they came many times and - and 21 - and did in issuing a citation. They came - 22 MR. KLOPMAN: I'm not there yet. 23 MR. CHEN: Excuse me. 24 MR. KLOPMAN: I'm just talking - 25 MR. CHEN: Let her finish the answer.</p>	<p>199</p> <p>1 HEARING EXAMINER ROBESON: Approximately how many 2 times have you contacted DPS? 3 MS. WOODHOUSE: Twice. 4 HEARING EXAMINER ROBESON: Twice? 5 MS. WOODHOUSE: And then the -- the online 6 anonymous complaint. So one - 7 MR. KLOPMAN: So how many in total, did you 8 contact them, altogether? 9 MS. WOODHOUSE: One, two, three - six over -- 10 between 2017 - 11 MR. KLOPMAN: And '18? 12 MS. WOODHOUSE: - and '18. 13 MR. KLOPMAN: And then you heard Ms. Romano say 14 when -- at the earlier hearing that she didn't go to court, 15 correct? 16 MS. WOODHOUSE: Yes, she said she didn't - 17 MR. KLOPMAN: You heard her say that, right? 18 MS. WOODHOUSE: - that she didn't go to court. 19 MR. KLOPMAN: She didn't go to court because she 20 didn't physically go to court -- 21 MS. WOODHOUSE: Right. 22 MR. KLOPMAN: -- right? Isn't that what she was 23 saying? 24 MR. CHEN: Objection. 25 HEARING EXAMINER ROBESON: If -- if you know.</p>
<p>198</p> <p>1 MS. WOODHOUSE: Oh. Said there are three. So one 2 is a - one of these DPS website complaints that they didn't 3 find a violation. Then, there are two phone violation -- two 4 phone complaints, and she was found in violation both times. 5 MR. KLOPMAN: And that's when they issued a 6 citation; is that correct? 7 MS. WOODHOUSE: The first time was when they 8 issued -- well they -- so here's how -- it's complicated. So 9 they came, found her in violation, but didn't issue -- they 10 came several times before they issued a citation. They don't 11 just come and issue a citation. The whole process starts 12 again. They explain to you what the limits are, so it's not 13 that they come once and issue you a citation. 14 MR. KLOPMAN: So you've had multiple contacts 15 with the DPS about this, correct? 16 MS. WOODHOUSE: Well, I've contacted them that 17 one time. And then they do their stuff. They don't -- they 18 do what they do. I'm not calling them every -- they -- you 19 make a complaint, and then they have a process that they 20 follow. 21 MR. KLOPMAN: And then you - 22 MS. WOODHOUSE: And - 23 MR. KLOPMAN: I'm sorry. I thought you were 24 finished. 25 MS. WOODHOUSE: No. This -</p>	<p>200</p> <p>1 MR. KLOPMAN: Well, Your Honor, she made a big 2 point - 3 HEARING EXAMINER ROBESON: No, I understand and 4 I'm asking her if she knows. 5 MS. WOODHOUSE: If I know what? 6 HEARING EXAMINER ROBESON: Do you know if Ms. 7 Romano physically appeared in court? 8 MS. WOODHOUSE: Oh. She said she didn't go to -- 9 but if someone says did someone take you to court, they 10 don't usually mean, like, did they bring you there. It's if 11 a lawsuit -- so I found her not forthcoming but -- 12 HEARING EXAMINER ROBESON: I -- I get it. Let's 13 move on. 14 MR. KLOPMAN: Okay. Now, when did Ms. Huber tell 15 you about her - or any of the Hubers tell you about her 16 objection to Ms. Romano operating a yoga studio? 17 HEARING EXAMINER ROBESON: Mr. Klopman, I just 18 have a question. I'm not sure how -- what is the relevance 19 to my -- what I have to decide here? 20 MR. KLOPMAN: I'm trying to - 21 HEARING EXAMINER ROBESON: I know the zoning 22 history has brought -- been brought up by Mr. Chen. But 23 what are you trying -- I don't understand the relevance of 24 how many times she called DPS -- 25 MR. KLOPMAN: Well, because there are times when</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

51 (201 to 204)

<p>201</p> <p>1 she called and there was no violation found.</p> <p>2 HEARING EXAMINER ROBESON: Okay.</p> <p>3 MS. WOODHOUSE: One time.</p> <p>4 MR. KLOPMAN: That was the relevance.</p> <p>5 HEARING EXAMINER ROBESON: Oh --</p> <p>6 MS. WOODHOUSE: Sorry.</p> <p>7 HEARING EXAMINER ROBESON: You cannot -- do not</p> <p>8 interrupt. Do not speak unless I tell you to because we're</p> <p>9 not going to get through this hearing. And I want to get</p> <p>10 through this hearing as do you. So -- okay. So she's</p> <p>11 answered your question --</p> <p>12 MR. KLOPMAN: I'll move on.</p> <p>13 HEARING EXAMINER ROBESON: You've established</p> <p>14 that there -- at some point and I'll read the transcript</p> <p>15 carefully, that they came out and it was -- they did not</p> <p>16 observe a violation.</p> <p>17 MR. KLOPMAN: That's correct.</p> <p>18 HEARING EXAMINER ROBESON: Okay. So -- okay, so</p> <p>19 keep going.</p> <p>20 MR. KLOPMAN: Now, you also said -- did you make</p> <p>21 a complaint in January of 2019?</p> <p>22 MS. WOODHOUSE: No, I did not.</p> <p>23 MR. KLOPMAN: Did Ms. Huber make a complaint to</p> <p>24 your knowledge?</p> <p>25 MS. WOODHOUSE: No, she did not.</p>	<p>203</p> <p>1 pictures of lots of cars in the street; you don't know if</p> <p>2 every one of those cars that are depicted on those photos</p> <p>3 are from the yoga studio?</p> <p>4 MR. CHEN: Objection. Asked and answered.</p> <p>5 MS. WOODHOUSE: I've answered that. There's -</p> <p>6 HEARING EXAMINER ROBESON: Okay. Don't -- don't</p> <p>7 talk. I'm going to sustain that.</p> <p>8 MR. KLOPMAN: Okay. I'll move on.</p> <p>9 HEARING EXAMINER ROBESON: She did answer that,</p> <p>10 and why she thought they were -</p> <p>11 MR. KLOPMAN: Now, you also testified -- you</p> <p>12 reviewed the application that Ms. Romano has filed; you</p> <p>13 reviewed every page of it haven't you?</p> <p>14 MS. WOODHOUSE: I've read it.</p> <p>15 MR. KLOPMAN: You've read every page of this been</p> <p>16 submitted on her behalf, haven't you?</p> <p>17 MS. WOODHOUSE: Well, some of the later things</p> <p>18 that have come in, I would say have read every page.</p> <p>19 MR. KLOPMAN: Okay. Well, you read the statement</p> <p>20 of the case that was filed in support of the Application,</p> <p>21 correct?</p> <p>22 MS. WOODHOUSE: Yes.</p> <p>23 MR. KLOPMAN: Okay. And you read that on page 2</p> <p>24 of the Application it states clearly a schedule, Monday,</p> <p>25 Wednesdays, and Fridays, 9:15 to 10:30; Thursdays 5:00 to</p>
<p>202</p> <p>1 MR. KLOPMAN: Okay. Is it your understanding from</p> <p>2 the DPS through your investigation that no one came out and</p> <p>3 responded to that complaint; is that -- I thought that's</p> <p>4 what you testified.</p> <p>5 MS. WOODHOUSE: That's what it says on the</p> <p>6 website.</p> <p>7 MR. KLOPMAN: Okay. And that wasn't investigated?</p> <p>8 MS. WOODHOUSE: That's my understanding, yes.</p> <p>9 MR. KLOPMAN: So no violation was found at that</p> <p>10 point?</p> <p>11 MS. WOODHOUSE: But they didn't come.</p> <p>12 MR. KLOPMAN: Now, you've also said you paid a</p> <p>13 lot of attention to what's on Ms. Romano's Facebook and</p> <p>14 social media and Instagram. You don't know when any of those</p> <p>15 pictures were taken? I mean they could have been taken at</p> <p>16 any time?</p> <p>17 MS. WOODHOUSE: Well, sometimes they show events</p> <p>18 that are on specific dates, and it says what the event is</p> <p>19 and what the date was, so at those times you can see.</p> <p>20 MR. KLOPMAN: Okay. But there are times when the</p> <p>21 photos could've been taken at another time, put on Facebook</p> <p>22 to show something about a class or something like that,</p> <p>23 right?</p> <p>24 MS. WOODHOUSE: Yes.</p> <p>25 MR. KLOPMAN: And just like you say that you got</p>	<p>204</p> <p>1 6:15; Monday evenings 7:45 to 9:00; Saturday mornings 8:45</p> <p>2 to 10:00 a.m., You read that?</p> <p>3 MS. WOODHOUSE: Yes.</p> <p>4 MR. KLOPMAN: And you read that all the classes</p> <p>5 are an hour and 15 minutes, correct? So you know that?</p> <p>6 MS. WOODHOUSE: Yes.</p> <p>7 MR. KLOPMAN: Okay. And you know that the</p> <p>8 Application says, on page 2, you read this, didn't you? That</p> <p>9 it says, "Given the therapeutic benefits that have been</p> <p>10 experienced by the participants of the yoga sessions and</p> <p>11 that the yoga classes that do not adversely impact the</p> <p>12 neighborhood at all, the conditional use for at least 8, but</p> <p>13 up to 10 should be granted." You read that, right?</p> <p>14 MS. WOODHOUSE: I saw that, yes.</p> <p>15 MR. KLOPMAN: Thanks. And you also probably read</p> <p>16 the prehearing statement that I submitted to the office of</p> <p>17 the zoning administrator, correct? It says the same thing,</p> <p>18 right?</p> <p>19 MS. WOODHOUSE: Yes.</p> <p>20 MR. KLOPMAN: And it says that because more than</p> <p>21 5 are coming to the classes we wanted the opportunity, on</p> <p>22 average, the number of attendees at the home studio is 4 to</p> <p>23 6, but occasionally 7 to 8 people; and that we are asking</p> <p>24 for up to 10 because of the donation classes. The charity</p> <p>25 classes, correct?</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

52 (205 to 208)

<p>205</p> <p>1 MR. CHEN: Ob-</p> <p>2 MS. WOODHOUSE: Well, that's what it --</p> <p>3 MR. CHEN: Excuse me. Objection.</p> <p>4 MS. WOODHOUSE: -- says but.</p> <p>5 MR. CHEN: I don't think it says that in the</p> <p>6 report.</p> <p>7 MS. WOODHOUSE: And yeah, I'm not --</p> <p>8 MR. CHEN: But that's not what the Application is</p> <p>9 for.</p> <p>10 MR. KLOPMAN: That is exactly what the</p> <p>11 application is for.</p> <p>12 MR. CHEN: No, it's not. The application is for</p> <p>13 up to 10, ever time, 6 times a week. That's what the</p> <p>14 application is for. He's asking this witness, who is not a</p> <p>15 lawyer, to interpret what --</p> <p>16 HEARING EXAMINER ROBESON: Why don't -- okay. Why</p> <p>17 don't we avoid -- if -- I get it. That she put --</p> <p>18 MR. KLOPMAN: Okay. I'll move on.</p> <p>19 HEARING EXAMINER ROBESON: -- that she put the 12</p> <p>20 in in whatever Exhibit it was.</p> <p>21 MR. KLOPMAN: That is exactly right.</p> <p>22 HEARING EXAMINER ROBESON: So I do understand</p> <p>23 that. It's -- she's been on the stand --</p> <p>24 MR. KLOPMAN: I'm almost finished, Your Honor.</p> <p>25 HEARING EXAMINER ROBESON: Okay.</p>	<p>207</p> <p>1 on. You know, what she was doing, and we were just chatting.</p> <p>2 And she told me -- that's when she brought up about the</p> <p>3 studio. And she asked -- she said you know; it doesn't</p> <p>4 bother you because it? I told her well, you know, it is a</p> <p>5 lot of cars and I actually said, you know, have you thought</p> <p>6 about looking into a commercial real estate space that --</p> <p>7 where it -- because it seemed like a lot of -- a lot for the</p> <p>8 neighborhood. And she asked me what my concerns were, and I</p> <p>9 told her how the cars in the street, that I could see. I</p> <p>10 couldn't get out of our -- couldn't see to get out of our</p> <p>11 driveway. But it didn't really change. And I told her a</p> <p>12 specific time where I would have to come home and then leave</p> <p>13 to take my son to soccer, just as an example. And the next</p> <p>14 week at the same time it was the same thing. And even a car</p> <p>15 was in the no parking zone that's like right behind my</p> <p>16 driveway. So it didn't really seem to make a difference.</p> <p>17 MR. KLOPMAN: She approach to that time though;</p> <p>18 is that correct?</p> <p>19 MS. WOODHOUSE: Well, I kind of approached --</p> <p>20 MR. KLOPMAN: You were outside?</p> <p>21 MS. WOODHOUSE: -- her and --</p> <p>22 HEARING EXAMINER ROBESON: Okay. Hold on a</p> <p>23 second. I don't -- why should I care who approached whom?</p> <p>24 MR. KLOPMAN: Because I'm trying to establish,</p> <p>25 Your Honor, that Ms. Romano was trying to take into account</p>
<p>206</p> <p>1 MR. KLOPMAN: I asked you about when did Mrs.</p> <p>2 Huber, or any of the Huber's tell you -- first tell you</p> <p>3 about their objection to Natosha Romano's yoga studio?</p> <p>4 MS. WOODHOUSE: So the first time we ever talked</p> <p>5 about the yoga studio was sometime in the summer of 2018. We</p> <p>6 were trying -- sometime in May or June.</p> <p>7 HEARING EXAMINER ROBESON: Okay. That's --</p> <p>8 MR. KLOPMAN: That's all I asked for. And what</p> <p>9 did Ms. Huber tell you about her objection to the yoga</p> <p>10 studio?</p> <p>11 HEARING EXAMINER ROBESON: It doesn't -- that's</p> <p>12 hearsay. We don't need to go into that. I just don't want to</p> <p>13 drive home at 10:00 at night. That's all I'm looking at.</p> <p>14 MR. KLOPMAN: I don't -- I -- did you ever talk</p> <p>15 to Ms. Romano about her Application?</p> <p>16 MS. WOODHOUSE: So -- well, I talked to her once</p> <p>17 about the Application, and once before that about the yoga</p> <p>18 studio operations, before she filed the Application.</p> <p>19 MR. KLOPMAN: Did she approach you about it?</p> <p>20 MS. WOODHOUSE: The first time when we talked</p> <p>21 before the Application, or the one --</p> <p>22 MR. KLOPMAN: Either one, did she approach you?</p> <p>23 MS. WOODHOUSE: So -- well, the first time I saw</p> <p>24 her outside taking some photos, and I thought she was taking</p> <p>25 photos of some trees that -- and I asked her what was going</p>	<p>208</p> <p>1 the neighbors' concerns. That's why. And then my next</p> <p>2 question is, when she filed the --</p> <p>3 HEARING EXAMINER ROBESON: Well, wait. I didn't</p> <p>4 give you permission to ask of the next question. It doesn't</p> <p>5 matter if she was, or she wasn't. I need to get to the</p> <p>6 criteria for this. I know there's an intercommunity, or to</p> <p>7 communities, I don't know what. I know that there's a bad</p> <p>8 blood, and people are -- but I need to get to the criteria.</p> <p>9 So I'll give you that one last question on the</p> <p>10 interrelationship between the opposition and the supporters,</p> <p>11 and that's it. Okay?</p> <p>12 MR. KLOPMAN: Just this question.</p> <p>13 HEARING EXAMINER ROBESON: It's 3:00; she's been</p> <p>14 up here for -- we came back at 12:40.</p> <p>15 MR. KLOPMAN: I think I've been asking questions</p> <p>16 less than 20 minutes.</p> <p>17 HEARING EXAMINER ROBESON: Well, that could be.</p> <p>18 Okay. Go ahead.</p> <p>19 MR. KLOPMAN: I mean really. I mean I --</p> <p>20 HEARING EXAMINER ROBESON: Well, if they were</p> <p>21 questions on things that I can base my opinion on --</p> <p>22 MR. KLOPMAN: My last -- this is my last</p> <p>23 subject -- my last question on this subject. When the</p> <p>24 conditional use application was filed by Ms. Romano, did she</p> <p>25 come over to your house? Did she --</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

53 (209 to 212)

<p>209</p> <p>1 MS. WOODHOUSE: So yeah. I actually forgot one 2 thing. She did give my husband a piece of paper that said 3 what the application was about. But I don't think they 4 really talked. And then I -- and then I went and got a copy 5 of the application and read it. And then we arranged to 6 talk one day. And I told her -- I mean that I was opposed, 7 and I wouldn't really say that we've had any -- we haven't 8 had any problems. It's just the -- the -- they yoga studio. 9 You know. We talked. We sat in my living room and we 10 talked about it.</p> <p>11 MR. KLOPMAN: And did she apologize for any 12 inconvenience that you have -- have had from the yoga 13 studio?</p> <p>14 MS. WOODHOUSE: Well, she did apologize, but 15 didn't change anything of what she was asking for.</p> <p>16 MR. KLOPMAN: Did she offer to have people park 17 in her driveway as to avoid the problems that you were 18 having?</p> <p>19 MS. WOODHOUSE: I don't actually remember that 20 discussion. I mean the driveway parking has other issues. 21 So --</p> <p>22 MR. KLOPMAN: You've explained those.</p> <p>23 MS. WOODHOUSE: I don't remember talking about 24 the driveway.</p> <p>25 MR. KLOPMAN: Did she talk about limiting it to</p>	<p>211</p> <p>1 three or four things.</p> <p>2 MS. WOODHOUSE: Well --</p> <p>3 MR. KLOPMAN: None of those things would satisfy 4 you?</p> <p>5 HEARING EXAMINER ROBESON: Okay. And we don't 6 need to argue. You can move on.</p> <p>7 MR. KLOPMAN: You've - 79C is a -- it says 8 traffic on Falconbridge Drive, Wednesday, March 13th; do you 9 have that in front of you?</p> <p>10 MS. WOODHOUSE: I can get it. Yes.</p> <p>11 MR. KLOPMAN: All the photographs are showing 12 moving vehicles on the street, correct?</p> <p>13 MS. WOODHOUSE: Well, that was -- we were -- 14 well, they all have --</p> <p>15 HEARING EXAMINER ROBESON: Do they, or don't 16 they?</p> <p>17 MS. WOODHOUSE: Yes. Yes.</p> <p>18 HEARING EXAMINER ROBESON: Okay.</p> <p>19 MR. KLOPMAN: So all these --</p> <p>20 HEARING EXAMINER ROBESON: Mr. Chen will come 21 back and make sure you get everything straightened out.</p> <p>22 MR. KLOPMAN: All --</p> <p>23 MR. CHEN: If it's relevant and necessary.</p> <p>24 HEARING EXAMINER ROBESON: Okay. Go ahead.</p> <p>25 MR. KLOPMAN: And so the street as depicted on</p>
<p>210</p> <p>1 eight people? Did she offer that?</p> <p>2 MS. WOODHOUSE: She did ask me what number would 3 be -- and I told her that I didn't really have --</p> <p>4 MR. KLOPMAN: You didn't give her a number?</p> <p>5 MS. WOODHOUSE: No. I -- I -- because you know, 6 it's not clear, you know, what is, or even that anything 7 would be followed. So, you know, what's the point of saying 8 a number? I mean --</p> <p>9 MR. KLOPMAN: Did she ask you whether it would 10 be -- if everybody parked in Jones Lane, whether that would 11 be satisfied, and you said no?</p> <p>12 MS. WOODHOUSE: Actually, no. She said that, and 13 I said well, you know, it's interesting to think about if 14 they park somewhere else. But I told her that I didn't know 15 that she would probably need to have county permission to 16 use the school as a commercial parking. So I just -- I had 17 ever thought of that, and it seemed like it might not be so 18 straightforward as just parking there.</p> <p>19 MR. KLOPMAN: So, in summary, all the things that 20 Ms. Romano suggested to you, you did it accept, or you 21 didn't think would work? You wouldn't be -- it wouldn't 22 satisfy you?</p> <p>23 MS. WOODHOUSE: Well, she didn't really suggest 24 anything that seemed --</p> <p>25 MR. KLOPMAN: Well, I just went through about</p>	<p>212</p> <p>1 Falconbridge Drive in these pictures, they don't show any 2 parked cars, correct? There are no parked cars at these 3 times, correct?</p> <p>4 MS. WOODHOUSE: That is not correct. I see 5 one --</p> <p>6 MR. KLOPMAN: Well, I don't see any parked cars 7 on the street.</p> <p>8 MR. CHEN: Huh?</p> <p>9 MS. WOODHOUSE: The top picture has a parked car 10 in it, next to the tree. The Huber's car is there.</p> <p>11 MR. KLOPMAN: Oh, it's blocked. I see, yeah.</p> <p>12 It's the Huber vehicle, correct, it looks like?</p> <p>13 MS. WOODHOUSE: Yes.</p> <p>14 MR. KLOPMAN: Okay.</p> <p>15 MS. WOODHOUSE: And then there's parked cars in 16 the third one. There's a red car there.</p> <p>17 MR. KLOPMAN: I'm talking about on -- oh. Okay.</p> <p>18 There's one or two parked. Okay. Thank you for correcting 19 me.</p> <p>20 MS. WOODHOUSE: And then, yeah. I think the van 21 parked down there, possibly in the bottom one.</p> <p>22 MR. KLOPMAN: Okay. Did you play a role in 23 preparing a letter that was sent out by Ms. Agresti to the 24 community?</p> <p>25 MS. WOODHOUSE: We talked about it.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

54 (213 to 216)

<p>213</p> <p>1 MR. KLOPMAN: You talked to Mr. -- Margaret 2 Agresti? 3 HEARING EXAMINER ROBESON: Okay. Okay. 4 MR. KLOPMAN: It's - 5 HEARING EXAMINER ROBESON: I don't care who 6 prepared the letter. 7 MR. KLOPMAN: May I -- 8 HEARING EXAMINER ROBESON: What is the purpose of 9 going into that? 10 MR. KLOPMAN: Because there's misinformation in 11 the letter, that's why. 12 MR. CHEN: Excuse me. May I -- 13 HEARING EXAMINER ROBESON: Is that the Exhibit 12 14 or -- that she's -- 15 MR. KLOPMAN: Twenty people -- 16 HEARING EXAMINER ROBESON: -- circulated -- 17 that's already in the record. 18 MR. KLOPMAN: Twenty people that -- 19 HEARING EXAMINER ROBESON: Ms. Agresti did that. 20 MR. KLOPMAN: Okay. 21 HEARING EXAMINER ROBESON: I mean I'll 22 (inaudible) 23 MR. KLOPMAN: No, no. You're right, Your Honor. 24 HEARING EXAMINER ROBESON: Did you prepare it? 25 (Crosstalk)</p>	<p>215</p> <p>1 applicable provisions -- 2 HEARING EXAMINER ROBESON: Well, I have some 3 questions about parking for him. 4 MR. CHEN: That's -- 5 HEARING EXAMINER ROBESON: So is he going to 6 address that? 7 MR. CHEN: Yes. But -- yes, absolutely. 8 HEARING EXAMINER ROBESON: Okay. 9 MR. KLOPMAN: Your Honor, can I be heard about 10 that? I mean, if we're going to go through line by line of 11 the zoning section, isn't -- I mean, it -- there's -- he's 12 a -- the purported witness is going to be testifying to 13 things that invade your province and you're going to be 14 deciding these issues. 15 HEARING EXAMINER ROBESON: Yeah, I know. Well, 16 I'm going to listen to both your arguments. 17 MR. CHEN: I might add, this is normal testimony 18 from a land planner, correct? 19 HEARING EXAMINER ROBESON: It is the normal 20 testimony from a land planner. So what we're going to do, 21 how many more fact witnesses do you have? 22 MR. CHEN: I have three. 23 HEARING EXAMINER ROBESON: Three? Okay. 24 MR. CHEN: It's three, correct? 25 HEARING EXAMINER ROBESON: Okay but yet we're</p>
<p>214</p> <p>1 MR. KLOPMAN: I'm just trying to -- 2 MS. WOODHOUSE: Can I address the 20 because 3 there is a morning class and an evening class on Monday, 4 it's 10 plus 10 is 20. So I -- I don't see what the - 5 HEARING EXAMINER ROBESON: Okay. Well, I'm not 6 going into it. I'm cutting it off. 7 MR. KLOPMAN: I'm done, Your Honor. 8 HEARING EXAMINER ROBESON: Okay. Mr. Chen, 9 redirect? 10 MR. CHEN: Again, I -- as I understand your 11 testimony there was one time that, based upon a complaint 12 that you made that there was one time that based upon a 13 complaint that you made that there was an inspection and 14 found no violations; is that right? 15 MS. WOODHOUSE: That's correct. 16 MR. CHEN: Okay. I have no more questions. 17 HEARING EXAMINER ROBESON: Good. 18 MR. CHEN: I figured that. 19 HEARING EXAMINER ROBESON: Okay. Now, how 20 many -- are you going to take all your fact witnesses first 21 because -- 22 MR. CHEN: Yes. 23 HEARING EXAMINER ROBESON: Okay. 24 MR. CHEN: And I just will say, that my expert 25 witness will take you through, section by section, the</p>	<p>216</p> <p>1 going to take a five-minute break, or we'll say a seven- 2 minute break; we'll come back at five after three, and then 3 we'll start your fact witnesses, and then you have two 4 experts, right? 5 MR. CHEN: Correct. 6 HEARING EXAMINER ROBESON: All right. That's 7 what we're going to do; and then we'll go to your rebuttal. 8 Okay? 9 (Off the record at 2:58 p.m.) 10 (On the record at 3:07 p.m.) 11 HEARING EXAMINER ROBESON: Okay. We are back on 12 the record. Would you raise your right hand? Do you solemnly 13 affirm under penalties of perjury that the statements you're 14 about to make her the truth, the whole truth, and nothing 15 but the truth? 16 MS. JEAN MARIE HUBER: I do. 17 HEARING EXAMINER ROBESON: Thank you. Please 18 state your name and address for the record. 19 MS. JEAN MARIE HUBER: Jean Huber, 12629 20 Falconbridge Drive. 21 HEARING EXAMINER ROBESON: Okay. Can I just 22 interrupt one minute? I forgot. If anyone needs water, they 23 may want -- well, I don't know what level they're in, but 24 you can go ask our staff if they need water. Okay. I'm sorry 25 to interrupt.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

55 (217 to 220)

<p>217</p> <p>1 MS. JEAN MARIE HUBER: And I did bring my own 2 notes, and they were created by myself. 3 HEARING EXAMINER ROBESON: Okay. Thank you. 4 MS. JEAN MARIE HUBER: Ready? 5 HEARING EXAMINER ROBESON: Yeah. 6 MS. JEAN MARIE HUBER: So I'm-- 7 MR. CHEN: Excuse me. Please give us your name, 8 and your address. 9 MS. JEAN MARIE HUBER: Jean Huber. 12629 10 Falconbridge Drive. 11 MR. CHEN: Okay. 12 MS. JEAN MARIE HUBER: We've been a property 13 owner for almost 21 years. We live diagonally across from 14 the Romano residents, and we're confronting property owners. 15 I currently live in the home with my husband, two adult 16 children, and one additional adult child who is away at 17 school, who is there sometimes. 18 MR. CHEN: Okay. 19 MS. JEAN MARIE HUBER: We've all gone through 20 what Fox Hill North is. It's a family-oriented, upper 21 middle-class neighborhood. The important thing I wanted to 22 point out is we go from retirees to people with young 23 children. We always have a new stream of parents walking 24 their kids and we always have a new set of young drivers. 25 Driving by the middle school bus the other day I noticed</p>	<p>219</p> <p>1 since the time the Romano became -- yoga studio became 2 incorporated. So the green on the side talks about the 3 Romano studio, when she got her low impact, and when she got 4 her -- applied for the CU19. The items in red is what Elisa 5 discussed, which were the violations or citations. And in 6 orange is just a pointer back to our package so we don't 7 have to keep going through this chronology. So that when you 8 look at it later you can see. 9 MR. CHEN: So (inaudible). 10 HEARING EXAMINER ROBESON: And you say you're -- 11 what's the package? 12 MS. JEAN MARIE HUBER: The chronology, Exhibit 13 46. 14 HEARING EXAMINER ROBESON: Okay. 15 MR. CHEN: Now, just real quick; who prepared 16 this exhibit? 17 MS. JEAN MARIE HUBER: I prepared this. 18 MR. CHEN: Okay. And the information that's on 19 this exhibit, is that all information that the Hearing 20 Examiner has already heard about in this hearing? 21 MS. JEAN MARIE HUBER: Correct. 22 MR. CHEN: Okay. So there's nothing new 23 factually on this exhibit? 24 MS. JEAN MARIE HUBER: Correct. 25 MR. CHEN: Okay. It's all based on what's in the</p>
<p>218</p> <p>1 there's like 10 kids out there, so we will have another set 2 of 10 coming up soon, as Elisa well knows. Our experience 3 has been it's -- 4 MR. CHEN: Let's hold off on that. 5 MS. JEAN MARIE HUBER: Okay. 6 MR. CHEN: Just for one minute. What is the next 7 exhibit number? 8 MR. KLOPMAN: 92. 9 MR. CHEN: Is it 92, right? 10 HEARING EXAMINER ROBESON: Hold on. Hold on one 11 moment. Yes. 12 (Exhibit 92 marked for identification) 13 MR. CHEN: I need a drum roll. 14 MS. JEAN MARIE HUBER: So to facilitate our 15 discussions and not have to -- 16 HEARING EXAMINER ROBESON: Wait. Don't -- 17 MS. JEAN MARIE HUBER: Oh, I'm sorry. 18 HEARING EXAMINER ROBESON: Don't -- 19 MS. JEAN MARIE HUBER: I'm so sorry. 20 HEARING EXAMINER ROBESON: Okay. 21 MR. CHEN: Mrs. Huber, I'm directing your 22 attention to the poster that's been marked -- it's small but 23 it's been marked Exhibit 92. Can you identify what that is? 24 MS. JEAN MARIE HUBER: To facilitate the 25 discussions, I came up with a timeline that shows the --</p>	<p>220</p> <p>1 record already, or what's been filed with the -- 2 MS. JEAN MARIE HUBER: Correct. 3 MR. CHEN: Okay. And what is the -- 4 HEARING EXAMINER ROBESON: And the -- and the red 5 is -- are -- what is the red again? 6 MS. JEAN MARIE HUBER: The citations. 7 HEARING EXAMINER ROBESON: Okay. 8 MS. JEAN MARIE HUBER: Or the violations. 9 HEARING EXAMINER ROBESON: Okay. 10 MS. JEAN MARIE HUBER: And those were all -- and 11 I don't remember what her exhibit number was. 12 MR. CHEN: Okay. But they tied back to 13 exhibits -- 14 MS. JEAN MARIE HUBER: What Elisa discussed; 45 15 and 46. 16 MR. CHEN: You mean Ms. Woodhouse? 17 MS. JEAN MARIE HUBER: Ms. Woodhouse, correct. 18 MR. CHEN: Okay. And what is the purposes of this 19 exhibit? 20 MS. JEAN MARIE HUBER: To help us facilitate our 21 discussion. 22 MR. CHEN: Okay. And what does it do? 23 MS. JEAN MARIE HUBER: It sets the timeline. 24 MR. CHEN: Okay. All right. Now -- 25 HEARING EXAMINER ROBESON: Now, are you finished?</p>



Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

56 (221 to 224)

<p style="text-align: right;">221</p> <p>1 MR. CHEN: Yes.</p> <p>2 HEARING EXAMINER ROBESON: I'm sorry. Are you</p> <p>3 finished with your foundation?</p> <p>4 MR. CHEN: Yes.</p> <p>5 HEARING EXAMINER ROBESON: Do you have an</p> <p>6 objection Mr. Klopman?</p> <p>7 MR. KLOPMAN: Well, Your Honor, I -- you know if</p> <p>8 you -- I think it's cumulative, it's based on the other</p> <p>9 evidence, but if it will expedite the proceeding, I'm not</p> <p>10 going to object.</p> <p>11 HEARING EXAMINER ROBESON: Thank you. Okay. It's</p> <p>12 in the record</p> <p>13 (Exhibit 92 admitted into the record.)</p> <p>14 HEARING EXAMINER ROBESON: How do you -- what do</p> <p>15 you describe that as? Timeline?</p> <p>16 MS. JEAN MARIE HUBER: I would say a timeline.</p> <p>17 HEARING EXAMINER ROBESON: A large timeline.</p> <p>18 MS. JEAN MARIE HUBER: A large timeline.</p> <p>19 HEARING EXAMINER ROBESON: Okay. Keep going</p> <p>20 through.</p> <p>21 MS. JEAN MARIE HUBER: So as we've discussed</p> <p>22 the --</p> <p>23 MR. CHEN: Excuse me. Just sticking with this.</p> <p>24 Explain, just for clarity for the Examiner, what you're</p> <p>25 showing on this. What is -- I know you've called it a</p>	<p style="text-align: right;">223</p> <p>1 of my adult children, and we've gardened in the front and we</p> <p>2 garden in the back. We spend a lot of time outside. We</p> <p>3 noticed a lot of cars starting to come around. There was --</p> <p>4 MR. CHEN: When was this?</p> <p>5 MS. JEAN MARIE HUBER: This was in 2016. Unusual</p> <p>6 for our neighborhood. A lot of cars. Cars parking in front</p> <p>7 of our house even. And we had problems when we were moving.</p> <p>8 We actually had a Tesla parked in front of our house; there</p> <p>9 was no way I was mowing next to the Tesla. There's -- we</p> <p>10 have people visiting, they are asking why other cars are in</p> <p>11 front of our house. We had -- our kids, we have three adult</p> <p>12 kids home. One was in community college, another one off at</p> <p>13 school, home for the summer. We couldn't park in front of o</p> <p>14 our house sometimes because -- or up by the light because</p> <p>15 somebody else was already parked there. There was one</p> <p>16 morning I was out working in the yard --</p> <p>17 HEARING EXAMINER ROBESON: When you say light,</p> <p>18 are you talking about a street lamp or --</p> <p>19 MS. JEAN MARIE HUBER: It's just a -- yeah, a</p> <p>20 street lamp.</p> <p>21 HEARING EXAMINER ROBESON: I just didn't know.</p> <p>22 Okay. Go ahead.</p> <p>23 MS. JEAN MARIE HUBER: There was one day I was</p> <p>24 walking down the apron. I can't remember what I was doing,</p> <p>25 I think we had a bald spot in front of our yard, and I was</p>
<p style="text-align: right;">222</p> <p>1 timeline.</p> <p>2 MS. JEAN MARIE HUBER: It's a timeline of the</p> <p>3 Romano studio. On the right-hand side are when she</p> <p>4 incorporated, when she got the low impact, and when she got</p> <p>5 the -- applied for the CU 1906. The reds were the violations</p> <p>6 or the -- oh there's another word there, citation. And then</p> <p>7 like I said, in orange it ties back to the chronology which</p> <p>8 is exhibit 46.</p> <p>9 MR. CHEN: Okay.</p> <p>10 MS. JEAN MARIE HUBER: Our next --</p> <p>11 MR. CHEN: Okay. So essentially, it's a summary</p> <p>12 of the information that's already been provided in the</p> <p>13 hearing?</p> <p>14 MS. JEAN MARIE HUBER: Correct.</p> <p>15 MR. CHEN: Okay.</p> <p>16 HEARING EXAMINER ROBESON: Okay.</p> <p>17 MR. CHEN: Okay.</p> <p>18 MS. JEAN MARIE HUBER: So --</p> <p>19 MR. CHEN: Now, let -- bear with me. I know you</p> <p>20 want to move. Could you please explain to the Hearing</p> <p>21 Examiner your experiences with the Romano conditional use,</p> <p>22 or excuse me yoga studio?</p> <p>23 MS. JEAN MARIE HUBER: So our yard is our zen</p> <p>24 place. My husband and I spent a lot of time out there when</p> <p>25 our kids were young. We -- I still mow my lawn with the help</p>	<p style="text-align: right;">224</p> <p>1 almost hit by a car. It came flying into my thing. You know,</p> <p>2 I -- I didn't expect any cars to be coming and I was walking</p> <p>3 on the apron. I was very worried. The lady waved, sorry.</p> <p>4 And she saw me. I mean she stopped. I'm big. She saw me. She</p> <p>5 turned around and parked in front of Elisa's house and went</p> <p>6 over to yoga. I got very concerned about safety because we</p> <p>7 aren't -- everyone's not my size. We have a lot of little</p> <p>8 kids in the neighborhood. We have a lot of people who walk</p> <p>9 dogs. We have one man that walks three little dachshunds.</p> <p>10 You know, you're not going to see everyone, especially when</p> <p>11 people are parked on both sides. I understand that her yoga</p> <p>12 studio students are coming to the class, and they are not</p> <p>13 intending to be disrespectful. They're just acting like it's</p> <p>14 a parking lot, as you would when you go to a commercial</p> <p>15 business. So when they come flying and to turn around to get</p> <p>16 to their class, they are running late, we all do it. I did</p> <p>17 it with my kids, I'm not doing exercise classes now, but I</p> <p>18 understand. However, the question is is this a safe place to</p> <p>19 be doing this? So as I was out front, if I happen to be out</p> <p>20 front and a car pulled in, I would stop them and say please,</p> <p>21 don't use our driveway to turn around. This is a pedestrian</p> <p>22 walkway. We have a lot of people who come up and down that</p> <p>23 step, the thing. And most of them say oh, this isn't my</p> <p>24 neighborhood, I didn't know. As this kept going, I got more</p> <p>25 frustrated. You know, we have a lot of families who walk</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

57 (225 to 228)

<p>225</p> <p>1 with their kids, and the kids coming to watch them, and then 2 zoom up the sidewalks. Well, we are two houses -- two 3 driveways away from the corner. They yell, wait up. And the 4 kids go over on the apron, and you could -- it's just a been 5 adorable watching them grow up. But that's where they 6 pullover. Over on the apron. So let's see. I ended up buying 7 a sign that says caution, slowdown, pedestrian traffic and 8 when I see a class is going on, I go, and I put that out 9 there. But that should not be my responsibility in this 10 residential neighborhood. You know, and that takes care of 11 my house. What about the next house down? And if they turn 12 around in the next house down, they have two young boys. We 13 went through that. My boys are 23 and -- 22 and 23 now. We 14 went through two young ones running around it. So as the 15 classes -- you know, Ms. Morano (sic) -- Morano (sic) did -- 16 Romano, I'm sorry, I'm very nervous. She did stop by to 17 talk to us and I was a bit heated when we talked because she 18 said that she wanted to make things better. And I said well, 19 we don't think you should have your classes here. And she 20 said, I have a right to be home with my children. And I 21 pointed out that I had taken some time off when I had to be 22 home with my children, from my career, and I went back. And 23 that it's wonderful she's doing yoga but do it somewhere 24 where it safe for everyone. She said yoga was her passion 25 and her zen, and I pointed out it wasn't fair for her zen to</p>	<p>227</p> <p>1 work, like I said, we -- our two working children and 2 somebody's getting out of the car and they've had to slam on 3 their brakes so they wouldn't hit somebody getting out for 4 their yoga. Again, I don't think these yoga people are out 5 to be bad; they're just thinking they're in a parking lot. 6 Once you've parked in a parking spot, you hop out of your 7 car. 8 HEARING EXAMINER ROBESON: What was the time 9 frame when you experienced what you believed were unsafe or 10 bothersome conditions? 11 MS. JEAN MARIE HUBER: I would say that they were 12 the evenings, after -- when the work hours and on the 13 weekends. 14 HEARING EXAMINER ROBESON: Do they -- are they 15 current? Do you currently experience those? 16 MS. JEAN MARIE HUBER: Well, if we look at it on 17 my timeline, I would say since our last hearing that there 18 haven't been people parking on the street, but up until that 19 point we had people parking on the street. And Elisa had 20 pointed out that the pictures that were taken and Ms. -- oh, 21 what was her name that presented earlier? You know, 22 mentioned that we put this package together. This is now 23 how I want to spend my downtime. 24 MR. CHEN: Let me just hold you right there for a 25 minute. During Ms. Woodhouse's testimony, she and I'm</p>
<p>226</p> <p>1 interfere with mine. I did point out there was County rules 2 because we had looked up, and all we found -- we didn't know 3 anything about conditional use, that there was 5 -- you 4 know, you can have up to 20 per week, 5 per time, and that 5 is not what was happening at that time. So Ms. Romano said 6 that -- she implied, I'm saying implied, I don't remember 7 exactly what the thing was, the discussion, that she was 8 entitled to teach out of her home, so the classes continued, 9 and the safety concerns did. We saw a lot more three point 10 turns in the middle of the street. We saw a lot more turning 11 around in the cul-de-sac. We've seen some people pull down 12 Falconbridge Terrace, then back up next to her thing. People 13 are parking next to the stop sign. They are parking in the 14 no parking area right across from Elisa. I was standing 15 outside shortly after my daughter -- she came home right 16 after me, shortly after she got her new car. Somebody was 17 pulling onto the driveway, and she had to slam on her brakes 18 to avoid this person. We have -- and there was a family that 19 came, this was the Tesla family. She -- Ms. -- after their 20 class, they were walking out with yoga mats, I'm assuming it 21 was after a class. I just happen to be out front. Ms. 22 Romano was talking to the parents, and the kids ran back 23 across the street. Well, a car had to slam on their brakes; 24 this is not unsafe just for our residents, it's unsafe for 25 her customers too. My kids have experienced coming home from</p>	<p>228</p> <p>1 talking now particularly about Exhibit 46C, which is Section 2 3 of the chronology. 3 MS. JEAN MARIE HUBER: Uh-huh. 4 MR. CHEN: Okay. During the course of Ms. 5 Woodhouse's testimony she mentioned that there were several 6 photographs in this section of her chronology that were 7 photographs that you had taken. 8 MS. JEAN MARIE HUBER: Correct. 9 MR. CHEN: Okay. Now -- and she itemized them, 10 and I won't enumerate each one, but she -- 11 HEARING EXAMINER ROBESON: Thank you. 12 MR. CHEN: Okay. Did you prepare photographs for 13 this section of the chronology exhibit? 14 MS. JEAN MARIE HUBER: Correct, yes. 15 MR. CHEN: Okay. With regard to all of those 16 photographs, did you take the photographs? 17 MS. JEAN MARIE HUBER: I took the majority of 18 them. Lauren may have taken one or two. 19 MR. CHEN: Okay. Do -- and you've looked at all 20 of them? 21 MS. JEAN MARIE HUBER: I have looked at all of 22 them. 23 MR. CHEN: Do all of them accurately depict what 24 they purport to show in the time frame in the chronology? 25 MS. JEAN MARIE HUBER: Correct.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

58 (229 to 232)

<p style="text-align: right;">229</p> <p>1 MR. CHEN: Okay. So they're all accurate?</p> <p>2 MS. JEAN MARIE HUBER: They are.</p> <p>3 MR. CHEN: Okay. And you know that of your own</p> <p>4 personal knowledge?</p> <p>5 MS. JEAN MARIE HUBER: Yes.</p> <p>6 MR. CHEN: Okay. Continue.</p> <p>7 HEARING EXAMINER ROBESON: Okay. Wait.</p> <p>8 MR. CHEN: I'm sorry.</p> <p>9 HEARING EXAMINER ROBESON: Is that -- do you</p> <p>10 object to the photos taken by --</p> <p>11 MR. KLOPMAN: No, Your Honor.</p> <p>12 HEARING EXAMINER ROBESON: Okay.</p> <p>13 HEARING EXAMINER ROBESON: Go ahead.</p> <p>14 MS. JEAN MARIE HUBER: So if these were -- you</p> <p>15 know, we had gotten through this -- you can see how many</p> <p>16 violations. We were -- once Elisa and I had finally talked</p> <p>17 in the summer of last year, and I actually warned her</p> <p>18 that -- well, will get to that in a minute. This was after</p> <p>19 DPS has been working with them. And we still had a lot of</p> <p>20 parking on the street; it was -- we saw three-point turns.</p> <p>21 We saw people backing up the length of the driveway -- of</p> <p>22 her -- the frontage of her house. I don't know what that's</p> <p>23 called. They parked up -- and they backed all the way up to</p> <p>24 go back into her driveway. You know, this is -- we are just</p> <p>25 not built for commercial practice.</p>	<p style="text-align: right;">231</p> <p>1 MS. JEAN MARIE HUBER: Uh-huh. So another thing</p> <p>2 that was, you know, we have been accused of prowling around</p> <p>3 their property and looking at things. These are -- we are</p> <p>4 not prowling anywhere. This is in the direct line from our</p> <p>5 house to work, from work to any of the errands that we run;</p> <p>6 we go in and out that way, as do all the people down the</p> <p>7 street. You go all the way down the street. This is how</p> <p>8 people come in and out. We know people who have said that</p> <p>9 they have to change how they enter and exit the neighborhood</p> <p>10 because of the number of people parked on the street during</p> <p>11 her classes. I truly believe there is going to be an</p> <p>12 accident. I truly believe this. I would not get up and</p> <p>13 walk this little yellow sign out and put it out there if I</p> <p>14 didn't. I -- I just hope that somebody isn't badly hurt.</p> <p>15 And I hope to God it's not a child, not that I want to be</p> <p>16 anyone. But if something happens -- if it involves one of</p> <p>17 the yoga students they can choose never to come back. But</p> <p>18 it will be -- have happened right in front of our homes. We</p> <p>19 can't escape that. So I hope you believe, and appreciate</p> <p>20 these problems occur on a regular basis. You know, 2016 is</p> <p>21 when things began. She has two other locations that she's</p> <p>22 been using, the Potomac Community Center and the Kentlands,</p> <p>23 and they have parking that is more appropriate for a</p> <p>24 commercial business like this.</p> <p>25 HEARING EXAMINER ROBESON: Okay.</p>
<p style="text-align: right;">230</p> <p>1 HEARING EXAMINER ROBESON: Why do you think they</p> <p>2 were backing up like that?</p> <p>3 MS. JEAN MARIE HUBER: So that they wouldn't turn</p> <p>4 around in somebody's driveway. If we have people parking on</p> <p>5 the street, they have to get out of the neighborhood</p> <p>6 somehow. So you're either going to have to drive down and</p> <p>7 around and back up, which be the safest way, you turn around</p> <p>8 in a driveway, or you do a three-point turn. There's not</p> <p>9 too many choices. Same thing on the cul-de-sac. You know,</p> <p>10 you're either going to go around the cul-de-sac, what she</p> <p>11 has made promises to people that they wouldn't, but that</p> <p>12 leaves the option to do a three-point turn in the middle of</p> <p>13 the street or to pull into somebody's driveway. It sounds</p> <p>14 like she has a great following. I'm not saying anything bad</p> <p>15 about Ms. Romano. I'm just stating that this is not the</p> <p>16 right place, I do not believe, it is the right place for a</p> <p>17 yoga studio of this magnitude. Now, I will say, from the</p> <p>18 letters that were written these peace-loving people have</p> <p>19 targeted me. And I know we're not supposed to get into</p> <p>20 that, but they kept talking about this one individual, and I</p> <p>21 never made a DPS complaint. I have never done it, nor has</p> <p>22 anyone in my family made a complaint to DPS. I got ahead of</p> <p>23 myself.</p> <p>24 MR. CHEN: You could -- you know you were talking</p> <p>25 about your experiences.</p>	<p style="text-align: right;">232</p> <p>1 MR. CHEN: Let me stop you there for a minute.</p> <p>2 MS. JEAN MARIE HUBER: Uh-huh.</p> <p>3 MR. CHEN: 93 and 94 I think. It's 93. Ms.</p> <p>4 Huber, can you please identify the documents that's been</p> <p>5 identified as -- excuse me, marked as Exhibit 93?</p> <p>6 (Exhibit 93 marked for identification)</p> <p>7 MS. JEAN MARIE HUBER: It's the -- it's entitled</p> <p>8 Warrior One commercial location number 1, carriage house,</p> <p>9 and it's on Kent Square Road in Gaithersburg, Maryland.</p> <p>10 MR. KLOPMAN: Can I make an objection to that? I</p> <p>11 don't see the relevance of it.</p> <p>12 MR. CHEN: Well, can I -- I have a foundation, a</p> <p>13 couple of preparatory questions. Number 1, who took the</p> <p>14 pictures?</p> <p>15 MS. JEAN MARIE HUBER: I took the pictures.</p> <p>16 MR. CHEN: Okay. When did you take the picture?</p> <p>17 MS. JEAN MARIE HUBER: I took them before our</p> <p>18 other hearing.</p> <p>19 HEARING EXAMINER ROBESON: Well, did she say when</p> <p>20 it was?</p> <p>21 MR. CHEN: Yes, she did.</p> <p>22 MS. JEAN MARIE HUBER: It said the Kent Square,</p> <p>23 this is one of her --</p> <p>24 HEARING EXAMINER ROBESON: Oh, okay. Go ahead.</p> <p>25 MR. KLOPMAN: -- other locations.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

59 (233 to 236)

<p>233</p> <p>1 MR. CHEN: Okay. And do these photographs 2 accurately depict what they purport to show? 3 MS. JEAN MARIE HUBER: Correct. 4 MR. CHEN: Okay. Now, in the application 5 materials and the other materials submitted by Ms. Romano, 6 she's referred to this location; isn't that correct? 7 MS. JEAN MARIE HUBER: Correct. 8 MR. CHEN: Okay. In fact, there's even a 9 reference in one of her witnesses' testimony this morning; 10 isn't that right? 11 MS. JEAN MARIE HUBER: Correct. 12 MR. CHEN: Okay. I'm going to offer 93. 13 HEARING EXAMINER ROBESON: Well, I don't 14 understand the relevance. 15 MR. CHEN: Well, they are talking about their 16 other locations. 17 HEARING EXAMINER ROBESON: Yeah. 18 MR. CHEN: And they've spoken about how they even 19 send students to the other locations. One of her witnesses 20 even talked about how it was unfortunate that they have to 21 go to one of the other locations because of the inadequacy 22 of parking, this morning. I mean, the other locations are 23 germane and relevant to the evidence in this case and has 24 been raised by the Applicant. 25 HEARING EXAMINER ROBESON: You know what, I'm</p>	<p>235</p> <p>1 MS. JEAN MARIE HUBER: It accurately depicts. 2 MR. CHEN: You took the photograph? 3 MS. JEAN MARIE HUBER: I took the photograph. 4 MR. CHEN: About when did you take the 5 photograph? 6 MS. JEAN MARIE HUBER: It would have been in the 7 March -- early March, late February -- early March time 8 frame. 9 MR. CHEN: This year? 10 MS. JEAN MARIE HUBER: This year. 11 MR. CHEN: Let me show you Exhibits 90 -- excuse 12 me; Exhibits 48 and 49. Can you identify what they are? 13 MS. JEAN MARIE HUBER: They are -- 14 THE COURT REPORTER: No, sorry. You have to mark 15 it from those. 16 MR. CHEN: I apologize. 17 MS. JEAN MARIE HUBER: They are letters written 18 to me by Mr. Klopman. 19 MR. CHEN: Okay. 20 MS. JEAN MARIE HUBER: They are dated March 14th, 21 and April 24th of 2018. 22 MR. CHEN: And what were -- real quick, the 23 nature of these letters to you? 24 MS. JEAN MARIE HUBER: The first -- it was in 25 response to an incident outside my home. But I honestly</p>
<p>234</p> <p>1 going to -- do you want to say anything? 2 MR. CHEN: 3 MR. KLOPMAN: The only thing I would say, Your 4 Honor, is the fact that there is another location because 5 Ms. Romano has made, while this application was pending, 6 made other arrangements for things. It's not relevant to 7 the granting of the conditional use application. 8 HEARING EXAMINER ROBESON: I tend to agree with 9 you. But I'm going to let it in for the weight it deserves, 10 which is I'm going to let it in for the weight it deserves. 11 (Exhibit 93 admitted into the record) 12 MR. CHEN: Just for the record, 94 is the other 13 location. 14 MR. KLOPMAN: Same objection, Your Honor. Just 15 to speed it up. 16 HEARING EXAMINER ROBESON: Same ruling. Thank 17 you. 18 (Exhibit 94 admitted into the record) 19 MS. JEAN MARIE HUBER: So 94 is the Warrior One 20 location 2, North Potomac Center. It's on Travilah Road. 21 It's 3.4 miles from the yoga studio. 22 MR. CHEN: Thank you. 23 MR. CHEN: She also conducts business here, and 24 it was meant to show that there is safe parking there. 25 MR. CHEN: This photograph also accurately --</p>	<p>236</p> <p>1 feel it was - -- they were trying to intimidate me from 2 making any more, what they thought was DPS -- 3 HEARING EXAMINER ROBESON: I thought they were -- 4 that's already in the file. 5 MR. CHEN: It is. That's why I haven't given you 6 copies. 7 HEARING EXAMINER ROBESON: Okay. 8 MR. CHEN: These are the exhibit numbers of the 9 two letters. 10 HEARING EXAMINER ROBESON: Oh, okay. 11 MS. JEAN MARIE HUBER: They -- they discuss -- 12 oh, I'm sorry. 13 MR. CHEN: It's 48 and 49. 14 HEARING EXAMINER ROBESON: Oh, I see. Okay. I 15 thought you said 98. 16 MR. CHEN: I -- well, you're correct. I started 17 to say 98. But I adjusted. 18 HEARING EXAMINER ROBESON: Oh, okay. 19 MR. CHEN: It's 48 and 49 and they are already in 20 the record. They were a part of our prehearing submission. 21 HEARING EXAMINER ROBESON: Do you have any 22 objection to them coming in? 23 MR. KLOPMAN: No, Your Honor. They're part of 24 the record, I thought they were in. 25 HEARING EXAMINER ROBESON: Okay.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

60 (237 to 240)

<p style="text-align: right;">237</p> <p>1 MR. CHEN: Let me show you Exhibit number 47. 2 Can you identify that? 3 MS. JEAN MARIE HUBER: Yes, that is a compilation 4 of establishments with yoga classes within 10 miles. 5 MR. CHEN: Who compiled this information? 6 MS. JEAN MARIE HUBER: I did. 7 MR. CHEN: Does it accurately reflect the 8 information resulting from your research? 9 MS. JEAN MARIE HUBER: Yes. And it -- this was 10 customer letters supporting Warrior One said that -- I had 11 the impression after reading the letters that there wasn't a 12 yoga anywhere close, so I came up with 10 locations that 13 were -- or I -- 14 HEARING EXAMINER ROBESON: I understand. I'm 15 not -- and I'll let it in, but I don't find it very 16 relevant. 17 MR. KLOPMAN: I was going to object, Your Honor 18 for the record. 19 HEARING EXAMINER ROBESON: Okay. 20 MR. KLOPMAN: But I understand you're going to 21 give it the weight that it deserves. 22 HEARING EXAMINER ROBESON: Okay. 23 MR. CHEN: And quite frankly, I appreciate your 24 comments about relevancy, but the strategy employed by the 25 Applicant in this case has been to tell a story about how</p>	<p style="text-align: right;">239</p> <p>1 HEARING EXAMINER ROBESON: Okay. Go ahead. 2 MR. CHEN: Ms. Huber, you were present during the 3 testimony and questioning about this exhibit by Mr. Klopman? 4 MS. JEAN MARIE HUBER: Uh-huh. 5 MR. CHEN: And does this photograph depict a 6 typical situation on Falconbridge Drive and Terrace? 7 MS. JEAN MARIE HUBER: No. No. We have more 8 cars, more people. I will tell you every time I leave my 9 driveway, and this is something I had to be very cognizant 10 when I taught my kids to drive, you drive just down to the 11 sidewalk, and you wait and make sure there's no pedestrian 12 coming. If they are approaching, you don't go any further. 13 You watch for those bicycles because we don't want a child 14 hit. Then you pull onto the apron, and then you wait for 15 traffic to go by. I can tell you that many times I have to 16 wait for a walker, or a biker, and almost every day I back 17 out of that -- or every time I back out of my driveway, I 18 wait for a car too. It's just what it is. It's not like we 19 are a major thoroughfare, but there is traffic, and areas, 20 especially in the spring and summer, a lot of families that 21 come up and down. And like I said, those stray kids that 22 run off to be in front are the ones that I'm most afraid 23 of -- or most scared for. 24 MR. CHEN: You've heard the testimony and 25 descriptions of the yoga studio operations from the</p>
<p style="text-align: right;">238</p> <p>1 they have problems with locations and problems with this and 2 problems with that. And including making, quite bluntly, in 3 the mildest way I can say, personal criticisms of this 4 witness. And in this forum, while I appreciate that the 5 Hearing Examiner well may say this is irrelevant to my 6 analysis of the requirements of the zoning ordinance, to 7 which I wholeheartedly agree, nonetheless, on behalf of my 8 client the allegations that have been asserted about them in 9 the representations about the operations of the studio, even 10 though it may be irrelevant, my clients respectfully wish to 11 respond to them because it goes hand in glove with the 12 criticisms and the strategy for this application. And I'm 13 glossing over a lot, and I'm not dwelling on these things. 14 HEARING EXAMINER ROBESON: Yeah. I mean the more 15 we get down to that the more we pile stuff in the record. 16 She can say it. She said it. I've heard the undercurrent, 17 for sure. 18 MR. CHEN: Right. 19 HEARING EXAMINER ROBESON: In some of the 20 supporting witnesses as well, so. 21 MR. CHEN: Yeah. Got it. I'd like also to go, 22 if I may, to Exhibit 64a-1. 23 HEARING EXAMINER ROBESON: That's the photo from 24 the Park and Planning? 25 MR. CHEN: Yes.</p>	<p style="text-align: right;">240</p> <p>1 Applicant and her witnesses; is that correct? 2 MS. JEAN MARIE HUBER: Correct. 3 MR. CHEN: Do you agree with those descriptions? 4 MS. JEAN MARIE HUBER: No. 5 MR. CHEN: Okay. In what way? 6 MS. JEAN MARIE HUBER: There is a lot -- there 7 were a lot of classes. A lot of classes. If you -- I'm 8 going to do one reference to Exhibit 46, go to page 21. If 9 you look at this there were 10 classes held at the Warrior 10 One location that week. 11 HEARING EXAMINER ROBESON: I'm sorry, what page 12 are you on? 13 MR. KLOPMAN: Your Honor -- 14 MS. JEAN MARIE HUBER: Page 21. 15 MR. KLOPMAN: Your Honor, I don't want to -- I 16 want to note an objection because what -- again, what 17 happened then, our application is fixed on a certain 18 schedule. It's six classes. That is what we're asking for. 19 And the number of people -- 20 HEARING EXAMINER ROBESON: Well -- 21 MR. KLOPMAN: -- as I've indicated. 22 HEARING EXAMINER ROBESON: Okay. 23 MR. KLOPMAN: And I don't want to go over it, but 24 so to go over something that's happened in the past -- 25 HEARING EXAMINER ROBESON: Well, that's a</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

61 (241 to 244)

<p style="text-align: right;">241</p> <p>1 question I'm struggling with. How much do you go over? I 2 mean we've gone over things that have happened in January 3 when supposedly she's had only five people there. So I 4 understand your objection. I'm not sure yet, I haven't 5 decided whether I agree with it or not. So I'm going to let 6 it in and make that decision. Yes, Mr. Chen? 7 MR. CHEN: I didn't want to interrupt the 8 Examiner. I just said -- I made a comment on this early 9 here. That the history is part and parcel for this 10 application. That is why we are here. 11 HEARING EXAMINER ROBESON: I understand. 12 MR. CHEN: And under Maryland law, you know, we 13 are contending -- among the issues we are contending is that 14 the track record of this applicant is such that assuming 15 there were to be an approval her track record demonstrates 16 that she will not abide by conditions of use and that recent 17 along, if there is a factual basis for it, is a basis to 18 deny a conditional use application. 19 HEARING EXAMINER ROBESON: I understand that. 20 And all I'm saying to you both is I haven't made up my mind 21 so I'm going to let it in the record, and I've tried to let 22 it in the record. I do recall something in Montgomery 23 County vs. Butler, but I had to look it up. So let's 24 proceed and just because I let things stand from one side or 25 the other doesn't mean I just am giving myself the</p>	<p style="text-align: right;">243</p> <p>1 on the list, therefore it didn't happen. Ms. Romano and -- 2 MR. KLOPMAN: Your Honor, I would object to 3 mischaracterization of -- 4 HEARING EXAMINER ROBESON: Yeah. You don't have 5 to characterize -- just give me your personal experience of 6 this use. 7 MS. JEAN MARIE HUBER: They humiliated me in 8 front of the HOA because they said a class didn't exist and 9 it happened three days later. 10 HEARING EXAMINER ROBESON: Oh, I see what you're 11 saying. You're saying -- okay. I get it. All right. 12 MS. JEAN MARIE HUBER: This has been going on. 13 She calls things special health events -- 14 HEARING EXAMINER ROBESON: You're saying -- 15 MS. JEAN MARIE HUBER: She calls them donation 16 events, she calls them club classes, she makes money off of 17 all these things. She has private lessons; she has all 18 these things going on which is above and beyond what she has 19 in the CU 1906. And I do not believe that she is going to 20 abide by it. 21 HEARING EXAMINER ROBESON: Okay. 22 MR. CHEN: So that based upon your experience, 23 and what you've observed the listing of activities that they 24 have on their application does not reflect all of the yoga 25 activities at the site?</p>
<p style="text-align: right;">242</p> <p>1 opportunity to cogitate it. 2 MR. CHEN: I've been giving you an unreported 3 appellate decision that talks about (inaudible). 4 HEARING EXAMINER ROBESON: I saw that. I saw 5 that. 6 MR. CHEN: And I'm not going to presume to tell 7 you what Butler says, but my recollection of Butler, and I'm 8 going to give you an excerpt from Butler on another issue -- 9 HEARING EXAMINER ROBESON: Okay. But I don't 10 want to argue that now. 11 MR. CHEN: Yeah. I understand that. 12 HEARING EXAMINER ROBESON: You can do that in 13 closing arguments. I want to get through -- 14 MR. CHEN: Okay. 15 HEARING EXAMINER ROBESON: -- this witness. 16 MR. CHEN: Okay. Did I -- we interrupted you. 17 You were -- 18 MS. JEAN MARIE HUBER: May I continue? 19 MR. CHEN: And you were in the middle of 20 testifying. 21 MS. JEAN MARIE HUBER: Well, I will say that I 22 heard those same words from Mr. Klopman before and that was 23 at our HOA meeting. He said that we are only talking about 24 the classes that were on that list. I had brought a picture 25 of a -- of the car parking on Sunday and he said that wasn't</p>	<p style="text-align: right;">244</p> <p>1 MS. JEAN MARIE HUBER: Correct. 2 MR. CHEN: Okay. And just for clarity explain to 3 the Hearing Examiner why that is the case, based upon your 4 personal knowledge. 5 MS. JEAN MARIE HUBER: I just told you. There's 6 things that happen that aren't on their list and they have 7 turned -- 8 HEARING EXAMINER ROBESON: So what kind of 9 things? Can you be specific? 10 MS. JEAN MARIE HUBER: There are classes that are 11 being taught by other people, and she calls them -- she 12 called them in her other time, personal -- what were they 13 personal -- 14 HEARING EXAMINER ROBESON: Enjoyment. I saw that 15 in the transcript. 16 MS. JEAN MARIE HUBER: -- enjoyment classes. 17 And -- and there are sets of cars that are there. There's 5 18 to 10 -- I think it was like 5 cars. And these were the 19 Sunday classes that he said did not exist. And that Ms. 20 Romano -- and some of her supporters swore they didn't exist 21 in front of the HOA. She has private lessons as Elisa has 22 pointed to. 23 HEARING EXAMINER ROBESON: How frequently are the 24 private lessons? 25 MS. JEAN MARIE HUBER: I cannot talk to those</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

62 (245 to 248)

<p style="text-align: right;">245</p> <p>1 because I am generally at work during that time.</p> <p>2 HEARING EXAMINER ROBESON: Okay. How do you know</p> <p>3 she has the private lessons?</p> <p>4 MS. JEAN MARIE HUBER: I know the private lessons</p> <p>5 from -- from Elisa and from my daughter who both have some</p> <p>6 work at home time.</p> <p>7 HEARING EXAMINER ROBESON: Okay.</p> <p>8 MS. JEAN MARIE HUBER: Now I will say --</p> <p>9 HEARING EXAMINER ROBESON: Now, don't -- don't go</p> <p>10 off track.</p> <p>11 MS. JEAN MARIE HUBER: Uh-huh.</p> <p>12 HEARING EXAMINER ROBESON: List all the</p> <p>13 activities that she has in addition to the classes.</p> <p>14 MS. JEAN MARIE HUBER: Her donation classes don't</p> <p>15 fit within her --</p> <p>16 HEARING EXAMINER ROBESON: Schedule?</p> <p>17 MS. JEAN MARIE HUBER: -- with her schedule. She</p> <p>18 had a club class that she held on Friday nights that she</p> <p>19 charged people \$25 per person to come to, and she said it</p> <p>20 was a club. And then the special health events and then the</p> <p>21 private and the small group. That's what I know of.</p> <p>22 HEARING EXAMINER ROBESON: Okay.</p> <p>23 MR. CHEN: I just want to run back to those two</p> <p>24 other --</p> <p>25 HEARING EXAMINER ROBESON: Wait. One more thing.</p>	<p style="text-align: right;">247</p> <p>1 pedestrian crossing.</p> <p>2 HEARING EXAMINER ROBESON: Okay. All right.</p> <p>3 MS. JEAN MARIE HUBER: I did not address Ms.</p> <p>4 Romano. I felt it was a very hostile tone. I have never</p> <p>5 gotten a letter from a lawyer before. I had two kids in</p> <p>6 college; I couldn't afford to get representation at that</p> <p>7 time, and so we stepped back. We did look into making a DPS</p> <p>8 complaint because he had graciously let us know in the</p> <p>9 letter that there was a complaint and we found out people</p> <p>10 had already been doing it and was something that was</p> <p>11 ongoing. It wasn't until later that summer that we found</p> <p>12 out who was doing the complaints.</p> <p>13 MR. CHEN: You described the incident in your own</p> <p>14 driveway with one of the students. Are you aware of other</p> <p>15 similar incidents?</p> <p>16 MS. JEAN MARIE HUBER: When people have pulled</p> <p>17 into my driveway or --</p> <p>18 MR. CHEN: Or other drives.</p> <p>19 MS. JEAN MARIE HUBER: That people pull into</p> <p>20 other driveways, but I did not describe what happened that</p> <p>21 day.</p> <p>22 MR. CHEN: Okay</p> <p>23 MS. JEAN MARIE HUBER: Would you like me to do</p> <p>24 that?</p> <p>25 MR. CHEN: Yeah.</p>
<p style="text-align: right;">246</p> <p>1 Sorry. Do you know when the other activities occur? Like</p> <p>2 the private lessons? Do they occur throughout the day, and</p> <p>3 you're -- from what you know?</p> <p>4 MS. JEAN MARIE HUBER: From what I understand</p> <p>5 from Lauren and Elisa that she has private lessons</p> <p>6 throughout the day and Ms. Nadiak also had said that she</p> <p>7 took --</p> <p>8 HEARING EXAMINER ROBESON: Who's Ms. Nadiak?</p> <p>9 MS. JEAN MARIE HUBER: This was somebody who --</p> <p>10 who was a witness last time.</p> <p>11 HEARING EXAMINER ROBESON: Oh, that's right. I</p> <p>12 saw that. The Thai massage.</p> <p>13 MS. JEAN MARIE HUBER: Yeah.</p> <p>14 HEARING EXAMINER ROBESON: Okay. Go ahead.</p> <p>15 MR. KLOPMAN:</p> <p>16 MR. CHEN: Aside from the incident that you</p> <p>17 described -- let me back up, I'm sorry. I got off my track.</p> <p>18 As a consequence of the two letters that you received from</p> <p>19 Attorney Klopman, what if anything did you do?</p> <p>20 MS. JEAN MARIE HUBER: I have not spoken to</p> <p>21 another one of her clients. I have -- but I put my little</p> <p>22 sign out. But I did nothing else. I was very --</p> <p>23 HEARING EXAMINER ROBESON: Your little sign is</p> <p>24 the children sign?</p> <p>25 MS. JEAN MARIE HUBER: It's not children, it says</p>	<p style="text-align: right;">248</p> <p>1 MS. JEAN MARIE HUBER: So I came home from a very</p> <p>2 early morning doctor's appointment. I did it early so that</p> <p>3 I could come home and work a full day. I went to pull into</p> <p>4 my driveway, and somebody was in there. I tried to hand-</p> <p>5 wave them to leave and -- and she hand-waved me to go by</p> <p>6 and, quite honestly, you know it took a while, but finally</p> <p>7 she pulled out of my driveway where she was in the middle of</p> <p>8 my driveway. She was turning around. She wasn't all the</p> <p>9 way in. She was in past the apron, past the sidewalk and a</p> <p>10 little bit into my driveway. And I pulled in and she pulled</p> <p>11 up and I went over, and I gave her a piece of my mind. I</p> <p>12 was frustrated. If you look at where that falls on there,</p> <p>13 it was 2018. Craig, can you point to March of 2018?</p> <p>14 HEARING EXAMINER ROBESON: For the record, is</p> <p>15 that Mr. Huber? Is that your husband?</p> <p>16 MS. JEAN MARIE HUBER: Yeah, it is my husband.</p> <p>17 HEARING EXAMINER ROBESON: He is pointing to</p> <p>18 March 2018 on the timeline.</p> <p>19 MS. JEAN MARIE HUBER: So we've had three</p> <p>20 complaints, three red boxes and the page I've had you open</p> <p>21 to on page 21, the week before that we had had 10 classes at</p> <p>22 the Romano residence; six of them being either on the</p> <p>23 weekends or on the evenings. And those were the ones that I</p> <p>24 would have been impacted by.</p> <p>25 MR. CHEN: I've got to go back to the last</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

63 (249 to 252)

<p>249</p> <p>1 colloquy that we had. The question at that time to you 2 was -- and you got interrupted and I apologize. I just came 3 back to it because I assume you had an answer. But the 4 question at the time was; that you had heard the 5 descriptions of the yoga studio operation and the question I 6 put to you was did you agree with the descriptions of those 7 operations, as had been presented by the Applicant and her 8 witnesses. Okay. Do you agree with those descriptions? 9 MS. JEAN MARIE HUBER: No. And we have discussed 10 that there were the additional classes. 11 MR. CHEN: Okay. You got that completely 12 covered? 13 MS. JEAN MARIE HUBER: I feel that's covered. 14 MR. CHEN: Okay. Real quick; you've heard 15 testimony about the affected area of the neighborhood. 16 You've heard even comments from the Hearing Examiner about 17 it. In your opinion, what is the affected neighborhood? 18 MS. JEAN MARIE HUBER: It's anyone who drives 19 down there, so it's Falconbridge Drive, Falconbridge Terrace 20 in that one area; people who live further down Falconbridge 21 Drive, down into the -- there's another little development 22 down in the other -- and then the townhouse development. 23 Those are the people who tend to come in and out that way. 24 Both pedestrians and -- 25 HEARING EXAMINER ROBESON: Is that the only way</p>	<p>251</p> <p>1 MR. CHEN: Yeah. 2 HEARING EXAMINER ROBESON: Are you looking at the 3 on-street parking? 4 MR. CHEN: I'm -- that is coming in through 5 another witness. 6 HEARING EXAMINER ROBESON: Okay. 7 MR. CHEN: What are your concerns if the Hearing 8 Examiner grants this conditional use? 9 MS. JEAN MARIE HUBER: My concern is that they 10 will not adhere to the number of classes that are being 11 held. And my other concern is the safety; that I think that 12 10 cars is way too much for our area. The on-street parking 13 on Falconbridge Drive is a major concern of mine. 14 HEARING EXAMINER ROBESON: Is there a number that 15 you think would be -- if adhered to -- if adhered to is 16 there a number you think would be acceptable? 17 MS. JEAN MARIE HUBER: Given that she has had the 18 low impact and has not been able to comply with that, I 19 think that that would be an appropriate thing for her to 20 show that she could comply to. 21 HEARING EXAMINER ROBESON: Well, what does that 22 mean? Do you think it's safer at five? 23 MS. JEAN MARIE HUBER: I think it's -- well, it's 24 safer for me because of the -- for pedestrians and stuff 25 because they would all be in her driveway. But that doesn't</p>
<p>250</p> <p>1 in and out of your neighborhood? 2 MS. JEAN MARIE HUBER: There is also another one 3 on Lloydminster to go in and out, but then you have to kind 4 of wind around to go. 5 HEARING EXAMINER ROBESON: Okay. 6 MS. JEAN MARIE HUBER: There is a front and a 7 back end so we kind of wrap around over to Triple Crown, I 8 would say down to Hialeah, but I think my husband has 9 something that he will show later that -- 10 MR. CHEN: Okay. 11 MS. JEAN MARIE HUBER: -- will give you a 12 pictorial of that. 13 HEARING EXAMINER ROBESON: Okay. 14 MR. CHEN: And with regard to the physical status 15 of Falconbridge Drive and Falconbridge Terrace, literally 16 those portions of those two roads that abut the Romano 17 property; do you know whether the Romanos constructed those 18 areas? 19 MS. JEAN MARIE HUBER: They did not. 20 MR. CHEN: Why do you say that? 21 MS. JEAN MARIE HUBER: We've lived there longer 22 than them. 23 MR. CHEN: Okay. 24 HEARING EXAMINER ROBESON: I think you're going 25 to address one of my parking questions.</p>	<p>252</p> <p>1 address then, the stacked parking and the people on the cul- 2 de-sac. And I have to say I haven't -- 3 HEARING EXAMINER ROBESON: Okay. 4 MS. JEAN MARIE HUBER: That's something -- the 5 other thing about the cul-de-sac is that there is no -- 6 HEARING EXAMINER ROBESON: Now, the cul-de-sac 7 you're referencing is Falconbridge Terrace? 8 MS. JEAN MARIE HUBER: Falconbridge Terrace. 9 Yeah, when it comes down past her house, it goes into a cul- 10 de-sac. 11 HEARING EXAMINER ROBESON: Right. 12 MS. JEAN MARIE HUBER: And then it goes -- 13 HEARING EXAMINER ROBESON: No, I just needed to 14 know exactly what you were talking about. Okay. 15 MS. JEAN MARIE HUBER: And there is no crosswalk 16 to get from Falconbridge Terrace back over to Falconbridge 17 Drive. 18 HEARING EXAMINER ROBESON: Okay. Mr. Chen, are 19 you ready? 20 MR. CHEN: I was -- I'm ready to say I have no 21 further questions. 22 HEARING EXAMINER ROBESON: Okay. Mr. Klopman, 23 cross-examination? 24 MR. KLOPMAN: Thank you, Your Honor. Ms. Huber, 25 you were here on March 4th and you heard certain testimony</p>



Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

64 (253 to 256)

<p>253</p> <p>1 from Ms. Romano that occurred -- about an incident that 2 occurred in, I think it was March of 2017; is that correct? 3 An incident where you interacted with Ms. Romano. 4 MS. JEAN MARIE HUBER: That was in the spring. 5 HEARING EXAMINER ROBESON: Of 2017? 6 MS. JEAN MARIE HUBER: '17. 7 HEARING EXAMINER ROBESON: Okay. 8 MR. KLOPMAN: And Ms. Romano came over to you, 9 came over to you and your husband as you were working on you 10 yard; is that correct? 11 MS. JEAN MARIE HUBER: That is correct. 12 MR. KLOPMAN: And did she apologize at that time 13 and say, you know, try to find out what your concerns were 14 about her yoga studio? 15 MS. JEAN MARIE HUBER: She did ask what our 16 concerns were, but she did also state that she had a right 17 to have a home business. 18 MR. KLOPMAN: Well, I guess my first question 19 was, did she apologize to you? 20 MS. JEAN MARIE HUBER: I -- I don't recall. 21 MR. KLOPMAN: Okay. And your husband was there, 22 and he -- Ms. Romano actually came up to your husband first? 23 MS. JEAN MARIE HUBER: That is correct. 24 MR. KLOPMAN: Okay. And did you hear your 25 husband say to Ms. Romano that the yoga studio had really</p>	<p>255</p> <p>1 MS. JEAN MARIE HUBER: Absolutely not. I am -- I 2 have a master's degree in electrical engineering -- 3 MR. KLOPMAN: You worked -- 4 MS. JEAN MARIE HUBER: I did say to her that I 5 had stayed home for a portion of the time, but this was 6 after we had discussed that she had said that she needed to 7 do a home-based business because of her children's ages. 8 MR. KLOPMAN: And you indicated that you didn't 9 think she should do that, correct? 10 MS. JEAN MARIE HUBER: No, I didn't say that at 11 all. I said that she should not be bringing this many 12 people in for a commercial business. We have people who 13 work out of their home. They tend to do tutoring, one-on- 14 one things, but not bring a large amount of cars to a 15 residential area. 16 MR. KLOPMAN: Did you tell Ms. Romano that you 17 intended to complain about her use? 18 MS. JEAN MARIE HUBER: No. I did say that there 19 were laws. 20 MR. KLOPMAN: Did you threaten to Ms. Romano that 21 you were going to make complaints about her use? 22 MS. JEAN MARIE HUBER: I did not. I said that we 23 would -- I don't remember if I did. But I did not know DPS 24 and how it worked. 25 MR. KLOPMAN: Okay. Now --</p>
<p>254</p> <p>1 gotten under your skin; did you hear him say that? 2 MS. JEAN MARIE HUBER: I believe, sir, that we 3 are not talking about my personality here. What we are 4 talking about is whether or -- 5 HEARING EXAMINER ROBESON: Wait, wait. You need 6 to answer the question. Did you or did you not hear -- 7 MS. JEAN MARIE HUBER: I did not hear my husband 8 say that. 9 MR. KLOPMAN: Okay. 10 MS. JEAN MARIE HUBER: I heard her say that. 11 MR. KLOPMAN: And then while Ms. Romano was 12 talking to your husband, you came out of the house very 13 aggressively; is that correct? 14 MS. JEAN MARIE HUBER: I did come out of the 15 house. 16 MR. KLOPMAN: And you came up to Ms. Romano and 17 you said, what gives you the right to run a yoga studio out 18 of your house, right? 19 MS. JEAN MARIE HUBER: I don't recall what, 20 exactly, the words were but we -- 21 MR. KLOPMAN: That was the import of it? 22 MS. JEAN MARIE HUBER: We didn't start that way. 23 MR. KLOPMAN: Okay. Well, didn't you tell Ms. -- 24 didn't you say to Ms. Romano you should be home with your 25 children rather than running a business?</p>	<p>256</p> <p>1 MS. JEAN MARIE HUBER: And if you look that was 2 in 2017, in 2018 I had never, ever made a complaint. 3 MR. KLOPMAN: In 2018 I sent you a letter on 4 March 14th, 2018 which is Exhibit 38. 5 MS. JEAN MARIE HUBER: Correct. 6 MR. KLOPMAN: Okay. And actually, I didn't send 7 it to you, I delivered it to your house and left it in your 8 mailbox, correct? 9 MS. JEAN MARIE HUBER: You left it in the mailbox 10 without a stamp, yes. 11 MR. KLOPMAN: And you received it, correct? 12 MS. JEAN MARIE HUBER: I did receive it. 13 MR. KLOPMAN: And you read it? 14 MS. JEAN MARIE HUBER: I did read it. 15 MR. KLOPMAN: You never contacted me about it, 16 correct? 17 MS. JEAN MARIE HUBER: Unfortunately, as I had 18 stated earlier that I had never received a letter from a 19 lawyer. It included a bunch of untruths, and I felt that if 20 I were going to respond -- 21 HEARING EXAMINER ROBESON: Well -- well, the 22 question is did you receive it? 23 MS. JEAN MARIE HUBER: I received it. 24 HEARING EXAMINER ROBESON: I mean did you 25 respond?</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

65 (257 to 260)

<p>257</p> <p>1 MS. JEAN MARIE HUBER: I did not respond.</p> <p>2 MR. KLOPMAN: Okay. And you saw on the letter</p> <p>3 that I said, nevertheless, on page 2, "Ms. Romano wants to</p> <p>4 address your concerns provided they are reasonable so please</p> <p>5 advise me as to your specific concerns and the basis for</p> <p>6 your having these concerns. Ms. Roman has already indicated</p> <p>7 on her website that her visitors are to avoid using your</p> <p>8 driveway to turn around in, and to not park their vehicles</p> <p>9 in close proximity to your home." You saw that; you read</p> <p>10 that didn't you?</p> <p>11 MS. JEAN MARIE HUBER: I saw that.</p> <p>12 MR. KLOPMAN: Okay. But you didn't think you</p> <p>13 should call me or have your daughter call me, Lauren, who</p> <p>14 did call me to ask whether I delivered it, but to talk about</p> <p>15 your concerns? You never did that?</p> <p>16 MS. JEAN MARIE HUBER: No, we didn't.</p> <p>17 Unfortunately, my mother -- my mother-in-law went into</p> <p>18 hospice and she died May 25th of that year.</p> <p>19 MR. KLOPMAN: Well, I'm sorry to hear that. On</p> <p>20 April 24th, I sent you another letter, which is Exhibit 49,</p> <p>21 and I asked you again to respond and you didn't respond to</p> <p>22 that letter either, correct?</p> <p>23 MS. JEAN MARIE HUBER: No. By that point, again,</p> <p>24 my mother-in-law was in hospice, but we had looked up and</p> <p>25 seen that -- what the DPS rules were and the fact that Ms.</p>	<p>259</p> <p>1 MS. JEAN MARIE HUBER: I had not said anything to</p> <p>2 her about that.</p> <p>3 MR. KLOPMAN: Did you call the police? You</p> <p>4 called the police about it?</p> <p>5 MS. JEAN MARIE HUBER: No, I did not.</p> <p>6 MR. KLOPMAN: There is a --</p> <p>7 MS. JEAN MARIE HUBER: I have never called the</p> <p>8 police.</p> <p>9 MR. KLOPMAN: There is a complaint that was in</p> <p>10 the police records that on September 9th -- September 7th,</p> <p>11 2017 somebody --</p> <p>12 HEARING EXAMINER ROBESON: Is that in the record?</p> <p>13 MR. KLOPMAN: No, it's not.</p> <p>14 HEARING EXAMINER ROBESON: Why don't you show it</p> <p>15 to her.</p> <p>16 MR. KLOPMAN: May I have it marked?</p> <p>17 HEARING EXAMINER ROBESON: Yes. It would be --</p> <p>18 MR. KLOPMAN: 94?</p> <p>19 THE COURT REPORTER: 5.</p> <p>20 MR. KLOPMAN: 5?</p> <p>21 HEARING EXAMINER ROBESON: Yes.</p> <p>22 (Exhibit 95 marked for identification)</p> <p>23 MR. KLOPMAN: Okay. May I approach to give you</p> <p>24 one?</p> <p>25 HEARING EXAMINER ROBESON: Yes, please.</p>
<p>258</p> <p>1 Romano wasn't following the rules, even though she had DPS</p> <p>2 working it and we thought that our response wouldn't</p> <p>3 cause -- was -- if she can't listen to a government agency</p> <p>4 that we were going to have to have representation and I did</p> <p>5 not have the money, nor the emotional bandwidth at that</p> <p>6 time.</p> <p>7 MR. KLOPMAN: My only -- just confirm you didn't</p> <p>8 respond to my letter, correct? My second letter.</p> <p>9 MS. JEAN MARIE HUBER: Correct.</p> <p>10 HEARING EXAMINER ROBESON: Okay.</p> <p>11 MR. KLOPMAN: That's all. In this first</p> <p>12 encounter with Ms. Romano, there was a landscaping issue</p> <p>13 that you related to Ms. Romano about how she was conducting</p> <p>14 her landscaping on her property, leaves or such; do you</p> <p>15 remember that?</p> <p>16 MS. JEAN MARIE HUBER: I do.</p> <p>17 MR. KLOPMAN: Okay. And Ms. Romano responded to</p> <p>18 that by addressing the leaves situation that day; that</p> <p>19 moment, correct?</p> <p>20 MS. JEAN MARIE HUBER: That is correct.</p> <p>21 MR. KLOPMAN: Okay. And subsequently in 2017 did</p> <p>22 you have an -- you weren't happy with Ms. Romano's</p> <p>23 landscaping and how she -- and how they bundled their</p> <p>24 landscaping; is that correct? In terms of where they put it</p> <p>25 on their yard.</p>	<p>260</p> <p>1 MR. KLOPMAN: Okay. I can tell you -- well --</p> <p>2 MR. CHEN: Counsel doesn't testify.</p> <p>3 MR. KLOPMAN: I'm not testifying I was making a</p> <p>4 proffer --</p> <p>5 HEARING EXAMINER ROBESON: This -- okay. Stop.</p> <p>6 Stop. Okay.</p> <p>7 MR. KLOPMAN: Look at page 2, of what's been</p> <p>8 marked as Exhibit 95. Do you remember either you or someone</p> <p>9 in your household contacting the police and complaining that</p> <p>10 branches that are not bundled placed at the curb creating a</p> <p>11 traffic hazard?</p> <p>12 MS. JEAN MARIE HUBER: I did --</p> <p>13 MR. KLOPMAN: Did you or anyone in your family do</p> <p>14 that?</p> <p>15 MS. JEAN MARIE HUBER: I did not do this.</p> <p>16 MR. KLOPMAN: I didn't ask whether you did. I</p> <p>17 asked whether you or anyone --</p> <p>18 MS. JEAN MARIE HUBER: I have no knowledge of</p> <p>19 this.</p> <p>20 MR. KLOPMAN: Okay, thank you.</p> <p>21 HEARING EXAMINER ROBESON: Okay. Do you want it</p> <p>22 in as an exhibit?</p> <p>23 MR. KLOPMAN: Can I reserve on that right now,</p> <p>24 Your Honor?</p> <p>25 HEARING EXAMINER ROBESON: Yes. We will keep it</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

66 (261 to 264)

<p>261</p> <p>1 marked.</p> <p>2 MR. KLOPMAN: Okay. I just want to go back to</p> <p>3 that incident with the woman that was in your driveway. Is</p> <p>4 that the woman that you came out and you threw water at?</p> <p>5 MS. JEAN MARIE HUBER: I did not throw anything</p> <p>6 at her.</p> <p>7 MR. KLOPMAN: At her car. You threw water at her</p> <p>8 car?</p> <p>9 MS. JEAN MARIE HUBER: No. I threw it at my</p> <p>10 son's mini-van that was parked on the road.</p> <p>11 MR. KLOPMAN: Okay.</p> <p>12 MS. JEAN MARIE HUBER: May I say something more</p> <p>13 about that?</p> <p>14 HEARING EXAMINER ROBESON: Your attorney will --</p> <p>15 not now, in short.</p> <p>16 MR. KLOPMAN: Then, let me direct your attention</p> <p>17 to -- have you ever left a note on Ms. Romano's house or in</p> <p>18 her --</p> <p>19 MS. JEAN MARIE HUBER: I have not.</p> <p>20 MR. KLOPMAN: You have not. Has anyone in your</p> <p>21 house done that?</p> <p>22 MS. JEAN MARIE HUBER: My husband has left a note</p> <p>23 (inaudible).</p> <p>24 MR. KLOPMAN: Your husband left a note. So</p> <p>25 MR. CHEN: Wait, excuse me.</p>	<p>263</p> <p>1 MR. KLOPMAN: And this is a note left by your</p> <p>2 husband; is that correct?</p> <p>3 MS. JEAN MARIE HUBER: That is correct.</p> <p>4 MR. KLOPMAN: Did you type it up for him?</p> <p>5 MS. JEAN MARIE HUBER: No.</p> <p>6 MR. KLOPMAN: Did you participate with him in --</p> <p>7 MS. JEAN MARIE HUBER: No.</p> <p>8 MR. CHEN: (inaudible)</p> <p>9 HEARING EXAMINER ROBESON: I let her go into it,</p> <p>10 Mr. Chen because you said she wanted to get --</p> <p>11 MR. CHEN: I'm not objecting.</p> <p>12 HEARING EXAMINER ROBESON: -- it off her chest.</p> <p>13 So that's why we're -- I'm letting this happen.</p> <p>14 MR. CHEN: Yeah. Thank you.</p> <p>15 MR. KLOPMAN: Okay. Now, did your husband call</p> <p>16 the police in 2018, or did anyone in your household?</p> <p>17 MS. JEAN MARIE HUBER: I have never, ever called</p> <p>18 the police. You can ask me about this 15 times; I have</p> <p>19 never called the police.</p> <p>20 MR. KLOPMAN: Has anyone in your household --</p> <p>21 MS. JEAN MARIE HUBER: I have no knowledge of</p> <p>22 anyone in my house calling the police.</p> <p>23 MR. KLOPMAN: About a landscaping issue?</p> <p>24 MS. JEAN MARIE HUBER: About anything.</p> <p>25 MR. KLOPMAN: Now, you remember at the first</p>
<p>262</p> <p>1 MR. KLOPMAN: I'm going to tell you which one it</p> <p>2 is.</p> <p>3 HEARING EXAMINER ROBESON: Just -- I can't have</p> <p>4 you guys talking at the same time. Do you have an</p> <p>5 objection?</p> <p>6 MR. CHEN: Yes.</p> <p>7 HEARING EXAMINER ROBESON: What's your objection?</p> <p>8 MR. CHEN: He didn't allow the lady to finish her</p> <p>9 answer.</p> <p>10 HEARING EXAMINER ROBESON: Okay.</p> <p>11 MR. CHEN: That's where --</p> <p>12 HEARING EXAMINER ROBESON: I thought she said</p> <p>13 that she didn't leave her a note, but her husband did.</p> <p>14 MR. KLOPMAN: And I have the note and I was going</p> <p>15 to --</p> <p>16 HEARING EXAMINER ROBESON: Okay. I thought that</p> <p>17 was in the record.</p> <p>18 MR. KLOPMAN: It is. It's number 76.</p> <p>19 HEARING EXAMINER ROBESON: Okay.</p> <p>20 MR. KLOPMAN: Okay. And so you've seen this?</p> <p>21 You've seen this note?</p> <p>22 MS. JEAN MARIE HUBER: I have seen that note.</p> <p>23 MR. KLOPMAN: And that's exhibit 76 in the</p> <p>24 record.</p> <p>25 MS. JEAN MARIE HUBER: Yes, I have.</p>	<p>264</p> <p>1 hearing there were -- Mr. Patel came and testified; is that</p> <p>2 correct.</p> <p>3 MS. JEAN MARIE HUBER: That is correct.</p> <p>4 MR. KLOPMAN: Okay. And he's your neighbor?</p> <p>5 MS. JEAN MARIE HUBER: He is my neighbor.</p> <p>6 MR. KLOPMAN: And he described you as being a</p> <p>7 close neighbor of his?</p> <p>8 MS. JEAN MARIE HUBER: He is a neighbor. We've</p> <p>9 known him for 21 years.</p> <p>10 MR. KLOPMAN: And you heard him testify that it</p> <p>11 was his concern about cars parking on top of the driveway,</p> <p>12 right?</p> <p>13 MS. JEAN MARIE HUBER: Correct.</p> <p>14 MR. KLOPMAN: And as I understand it, you have</p> <p>15 four cars in your -- at your house; is that correct?</p> <p>16 MS. JEAN MARIE HUBER: At this point, it's four.</p> <p>17 When my son is home from college; it's five.</p> <p>18 MR. KLOPMAN: Okay. And typically you park all</p> <p>19 five cars in your driveway. Your driveway's very large</p> <p>20 (inaudible)?</p> <p>21 MS. JEAN MARIE HUBER: No, it actually does not</p> <p>22 fit five cars. Typically, we park three in there.</p> <p>23 Occasionally there are four in there, especially when it</p> <p>24 snows or there is snow so that they can plow.</p> <p>25 MR. KLOPMAN: But there's room to park three</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

67 (265 to 268)

<p>265</p> <p>1 across, is that correct?</p> <p>2 MS. JEAN MARIE HUBER: That is correct.</p> <p>3 MR. KLOPMAN: And sometimes you've double parked,</p> <p>4 you have some of the cars park behind each other?</p> <p>5 MS. JEAN MARIE HUBER: Occasionally.</p> <p>6 MR. KLOPMAN: Okay. And you're -- you work</p> <p>7 outside the house you said?</p> <p>8 MS. JEAN MARIE HUBER: I do.</p> <p>9 MR. KLOPMAN: And what time do you go to work?</p> <p>10 MS. JEAN MARIE HUBER: Well, it depends. I --</p> <p>11 MR. KLOPMAN: Well, typically don't -- what's</p> <p>12 your work schedule? Why don't you just describe it?</p> <p>13 MS. JEAN MARIE HUBER: I -- once a month I am on</p> <p>14 travel. Therefore, my hours are flexible when I'm not</p> <p>15 because sometimes when I'm away for that week, then I -- I</p> <p>16 take shorter days. So in general I leave in the morning</p> <p>17 around 8:00 and I come home at 5:00 or 6:00.</p> <p>18 MR. KLOPMAN: Monday through Friday, typically?</p> <p>19 MS. JEAN MARIE HUBER: Typically unless I have</p> <p>20 these later start dates, which I do. I have lots of</p> <p>21 flexibility because when I go out to California, I have very</p> <p>22 long days.</p> <p>23 MR. KLOPMAN: I'm just talking about your regular</p> <p>24 schedule, is what you just described.</p> <p>25 MS. JEAN MARIE HUBER: Sir, unfortunately my</p>	<p>267</p> <p>1 MS. JEAN MARIE HUBER: Approximately the same.</p> <p>2 MR. KLOPMAN: The same. And your daughter, how</p> <p>3 is here, Lauren, she also lives at home with you and does</p> <p>4 she work outside the house?</p> <p>5 MS. JEAN MARIE HUBER: She does.</p> <p>6 MR. KLOPMAN: And what are her hours?</p> <p>7 MS. JEAN MARIE HUBER: She actually works later</p> <p>8 hours because she has a shorter commute. So she doesn't</p> <p>9 leave until, I don't know; you'll have to ask her.</p> <p>10 MR. KLOPMAN: Okay. I will ask her. That would</p> <p>11 shorten things, but I'll be happy to ask her. Now, since</p> <p>12 the last hearing I -- there have been some pictures taken</p> <p>13 that show your -- it's part of 88a, and it's a picture taken</p> <p>14 on April 20th, 2019 at 9:00 a.m.; do you see that?</p> <p>15 MS. JEAN MARIE HUBER: Uh-huh.</p> <p>16 MR. KLOPMAN: And that's your son's car parked</p> <p>17 there; that was a Saturday.</p> <p>18 MS. JEAN MARIE HUBER: Correct.</p> <p>19 MR. KLOPMAN: Okay. And I see that you're not</p> <p>20 parking it in front of your house; is that correct?</p> <p>21 MS. JEAN MARIE HUBER: We park it under the</p> <p>22 light, and I did ask Elisa if it was okay for us to park it</p> <p>23 a little bit in her yard and she had said it was okay.</p> <p>24 MR. KLOPMAN: Oh, okay. And it's closer to the</p> <p>25 Romano house?</p>
<p>266</p> <p>1 schedule isn't really regular.</p> <p>2 MR. KLOPMAN: So, but you work five days a week?</p> <p>3 MS. JEAN MARIE HUBER: I do work five days a</p> <p>4 week.</p> <p>5 MR. KLOPMAN: And do you work on Saturdays?</p> <p>6 MS. JEAN MARIE HUBER: I do not work on</p> <p>7 Saturdays.</p> <p>8 MR. KLOPMAN: Does your husband work five days a</p> <p>9 week?</p> <p>10 MS. JEAN MARIE HUBER: Well, yes. However, he</p> <p>11 has been home a lot because of some health issues.</p> <p>12 MR. KLOPMAN: Okay. When he was working without</p> <p>13 the health issues; I'm sorry to hear about his health</p> <p>14 issues. But when he was working without -- when he didn't</p> <p>15 have the health issues what was his schedule?</p> <p>16 MS. JEAN MARIE HUBER: It was similar.</p> <p>17 MR. KLOPMAN: Huh? Similar to yours?</p> <p>18 MS. JEAN MARIE HUBER: Similar to mine.</p> <p>19 MR. KLOPMAN: Monday through Friday 8:00 in the</p> <p>20 morning until 6:00 at night? And your son, he drives the</p> <p>21 Honda; is that correct?</p> <p>22 MS. JEAN MARIE HUBER: He does.</p> <p>23 MR. KLOPMAN: Does he work outside the house?</p> <p>24 MS. JEAN MARIE HUBER: He does.</p> <p>25 MR. KLOPMAN: And what are his hours?</p>	<p>268</p> <p>1 MS. JEAN MARIE HUBER: Because the -- oh, who are</p> <p>2 the people who live across the street from us. The people</p> <p>3 who live across the street from us asked us not to park it</p> <p>4 behind their driveway, so we park it up under the light.</p> <p>5 And that has been going on for years. I can't remember her</p> <p>6 name. Heidi. Heidi has a last name.</p> <p>7 MR. KLOPMAN: This is a camera; there's a picture</p> <p>8 as part of 88a, the last picture.</p> <p>9 MS. JEAN MARIE HUBER: Correct.</p> <p>10 MR. KLOPMAN: That's a picture of a camera that</p> <p>11 you have installed in your yard; is that right?</p> <p>12 MS. JEAN MARIE HUBER: Correct.</p> <p>13 MR. KLOPMAN: And you put it on the fence,</p> <p>14 correct?</p> <p>15 MS. JEAN MARIE HUBER: Correct. So what it is</p> <p>16 doing is it is looking at --</p> <p>17 MR. CHEN: Excuse me. There's no question.</p> <p>18 MS. JEAN MARIE HUBER: Oh, I'm sorry.</p> <p>19 MR. KLOPMAN: So you put this camera up there</p> <p>20 when? About -- after the last hearing?</p> <p>21 MS. JEAN MARIE HUBER: No, I believe it was</p> <p>22 before that.</p> <p>23 MR. KLOPMAN: You think it was before that? So</p> <p>24 this picture it's directed right at the Romano house so that</p> <p>25 you can take pictures?</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

68 (269 to 272)

<p>269</p> <p>1 MR. CHEN: Objection.</p> <p>2 MS. JEAN MARIE HUBER: No, sir --</p> <p>3 MR. KLOPMAN: This camera --</p> <p>4 MR. CHEN: Excuse me.</p> <p>5 MS. JEAN MARIE HUBER: -- it is directed --</p> <p>6 HEARING EXAMINER ROBESON: Just a second. Stop.</p> <p>7 MR. CHEN: What's the relevancy?</p> <p>8 HEARING EXAMINER ROBESON: Well, I do -- are</p> <p>9 you -- what is your point? That she's taking photos of the</p> <p>10 Romano house?</p> <p>11 MR. KLOPMAN: Well, it's directed right at the</p> <p>12 Romano house.</p> <p>13 MR. CHEN: Okay.</p> <p>14 HEARING EXAMINER ROBESON: The -- it's int eh</p> <p>15 record already.</p> <p>16 MR. KLOPMAN: Did you talk to Mr. Patel about</p> <p>17 parking your son's vehicle on the street? Did you tell him</p> <p>18 about it?</p> <p>19 MS. JEAN MARIE HUBER: No. We are residents, we</p> <p>20 are not a commercial business.</p> <p>21 MR. KLOPMAN: But you understood his concerns</p> <p>22 were the cars parked along Falconbridge Drive, correct?</p> <p>23 MS. JEAN MARIE HUBER: There has been an</p> <p>24 evolution as our children grow up, and you'll see it</p> <p>25 throughout the neighborhood, that when they -- we have adult</p>	<p>271</p> <p>1 you're working you're not home Mondays, Wednesdays, and</p> <p>2 Fridays at the time these classes are taking place, correct?</p> <p>3 MS. JEAN MARIE HUBER: Generally, yes.</p> <p>4 MR. KLOPMAN: And then the other class is the</p> <p>5 Thursday afternoon class at 4:45 and when that class is</p> <p>6 done, you're not home often either because you don't get</p> <p>7 home until 6:00, generally, correct?</p> <p>8 MS. JEAN MARIE HUBER: Sometimes.</p> <p>9 MR. KLOPMAN: And the Saturday morning class is a</p> <p>10 time when the -- you know it's Saturday morning. There's --</p> <p>11 MS. JEAN MARIE HUBER: I will tell you I am up</p> <p>12 and around on Saturday mornings. I don't go to --</p> <p>13 MR. KLOPMAN: Me too. But it's a Saturday</p> <p>14 morning class and what I'm trying to ask you is that there's</p> <p>15 very little activity on Saturday morning.</p> <p>16 MS. JEAN MARIE HUBER: I would -- that statement</p> <p>17 I would disagree with because I --</p> <p>18 MR. KLOPMAN: I'm just talking about on</p> <p>19 Falconbridge Drive and Falconbridge Terrace; I'm not talking</p> <p>20 about out and about on the sidewalks.</p> <p>21 MS. JEAN MARIE HUBER: Well, the sidewalks is</p> <p>22 part of this because of the turning around. I'm sorry, this</p> <p>23 is a safety issue. This is what my concern is.</p> <p>24 MR. KLOPMAN: Okay. You've explained it.</p> <p>25 MS. JEAN MARIE HUBER: And we also have a lot of</p>
<p>270</p> <p>1 or driving kids you're going to have cars in front of the</p> <p>2 house. Mr. Patel had it in front of it. The Russells had</p> <p>3 it in front of it. We have it right now and --</p> <p>4 MR. KLOPMAN: The people driving around on</p> <p>5 Falconbridge Drive, go around those cars, correct?</p> <p>6 MS. JEAN MARIE HUBER: Yes, and it's generally</p> <p>7 one or possibly two cars at a time.</p> <p>8 HEARING EXAMINER ROBESON: That's fair, Mr. Chen.</p> <p>9 MR. KLOPMAN: I'm almost finished, Your Honor.</p> <p>10 HEARING EXAMINER ROBESON: Okay.</p> <p>11 MR. KLOPMAN: Madam Hearing Examiner. It's hard</p> <p>12 to break the habit.</p> <p>13 HEARING EXAMINER ROBESON: I know. Hearing</p> <p>14 Examiner is much more of a mouthful.</p> <p>15 MR. KLOPMAN: Yes, it is. Just to sum up, you</p> <p>16 understand that the classes are generally -- what we've --</p> <p>17 what's in the application, that's what we're -- what we're</p> <p>18 asking for and what Ms. Romano testified that she is</p> <p>19 committed to, are classes Mondays, Wednesdays, Fridays,</p> <p>20 Saturday mornings; you understand that? Yes or no.</p> <p>21 MS. JEAN MARIE HUBER: Yes. And I believe --</p> <p>22 HEARING EXAMINER ROBESON:</p> <p>23 MR. KLOPMAN: And on Mondays, Wednesdays, and</p> <p>24 Fridays, when these classes are taking place, you're not</p> <p>25 even home, correct? In the morning. On the days that</p>	<p>272</p> <p>1 people who have kids in sports and there's a surprising</p> <p>2 amount of traffic.</p> <p>3 MR. KLOPMAN: The sidewalk though, is only on</p> <p>4 your side of the street, correct?</p> <p>5 MS. JEAN MARIE HUBER: That is correct.</p> <p>6 MR. KLOPMAN: It's not on Ms. Romano's side of</p> <p>7 the street?</p> <p>8 MS. JEAN MARIE HUBER: That is correct. However,</p> <p>9 we've had a lot of cars turn around in driveways on this</p> <p>10 side of the street.</p> <p>11 MR. KLOPMAN: And it's legal to drive -- to pull</p> <p>12 into someone else's driveway to turn around. There's</p> <p>13 nothing illegal about that?</p> <p>14 MS. JEAN MARIE HUBER: No, but if you</p> <p>15 accidentally hit a child it would be devastating.</p> <p>16 MR. KLOPMAN: But you've already said that hasn't</p> <p>17 happened.</p> <p>18 MS. JEAN MARIE HUBER: No, but I was almost hit,</p> <p>19 and I am not a small target.</p> <p>20 MR. KLOPMAN: And of course, everybody in the n</p> <p>21 neighborhood, in this neighborhood has a two-car garage?</p> <p>22 MS. JEAN MARIE HUBER: That is correct.</p> <p>23 MR. KLOPMAN: And everyone has a driveway,</p> <p>24 correct?</p> <p>25 MS. JEAN MARIE HUBER: That is correct.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

69 (273 to 276)

<p style="text-align: right;">273</p> <p>1 MR. KLOPMAN: Okay. And most people either park 2 in their garage or park on the driveway; do you agree with 3 that? 4 MS. JEAN MARIE HUBER: I don't agree with that, 5 no. 6 MR. KLOPMAN: You don't agree with that. Okay. 7 And -- but you park generally, your car's on your driveway 8 most of the time? 9 MS. JEAN MARIE HUBER: As I stated, there is a 10 number -- there's always people that have kids driving. And 11 even Ms. Nadiak pointed that out, that it's a natural 12 progression. 13 MR. KLOPMAN: And you heard Ms. -- you were at 14 the last hearing when I showed everybody the witnesses' Mr. 15 Patel and Ms. Agresti -- 16 MS. JEAN MARIE HUBER: Uh-huh. 17 MR. KLOPMAN: -- Exhibit 64a, page 4 of the 18 Planning Board Staff, right? 19 MS. JEAN MARIE HUBER: Uh-huh. 20 MR. KLOPMAN: And I didn't ask them whether 21 this -- just -- I didn't ask them whether this is how it 22 always looks. I asked this if this fairly and accurately 23 depicts the parking -- the parking along Falconbridge Drive 24 and Falconbridge Terrace. And you heard them both say yes 25 to that, correct?</p>	<p style="text-align: right;">275</p> <p>1 confronting property owner. 2 MR. CHEN: Okay. You've heard your descriptions 3 both of your mother and Ms. Woodhouse of the neighborhood 4 and subdivision. Do you have anything to add to their 5 descriptions? Do you agree with those descriptions or not? 6 MS. LAUREN HUBER: I agree with those 7 descriptions. The only thing I would add is that the 8 neighborhood we live in, as growing up there as a kid, 9 offers a lot of freedom to children so they don't actually 10 have to be out with parents. Oftentimes you'll see kids' 11 kind of going out biking. They'll go to Jones Lane; they'll 12 go to a playground off of Ravenhurst (phonetic). They'll go 13 down to Aberdeen Park. So you might have kids that are out 14 without parent attendance because it's safe enough to do 15 that in our neighborhood. 16 MR. CHEN: Okay. And when did you become aware 17 of the yoga studio operations of Ms. Romano? 18 MS. LAUREN HUBER: So I would say about late 2016 19 to early 2017. There were a lot of cars coming into our 20 driveway pretty frequently whether we were outside or not, 21 doing it at night when -- and I did a lot of gardening then 22 so I would have people shining lights and it was kind of 23 okay, why are you here. We also noticed a lot of cars 24 regularly at the Romano residence. We thought it was a 25 graduation party at first. And then it happened the week</p>
<p style="text-align: right;">274</p> <p>1 MS. JEAN MARIE HUBER: I don't recall. I don't 2 remember what you asked them. 3 HEARING EXAMINER ROBESON: Okay. Are we -- 4 MR. KLOPMAN: I'm done. Let me just ask one 5 question. That's all I have, Your Honor. Thank you. 6 HEARING EXAMINER ROBESON: Thank you. Mr. Chen? 7 MR. CHEN: No, I have nothing. 8 HEARING EXAMINER ROBESON: Okay. Fine. Your 9 next witness? 10 MR. CHEN: Yes. My next witness is Lauren Huber. 11 HEARING EXAMINER ROBESON: Okay. Is this your 12 last fact witness? 13 MR. CHEN: No. It's the next to last. 14 HEARING EXAMINER ROBESON: Ms. Huber, please 15 raise your right hand. Do you solemnly affirm under 16 penalties of perjury that the statements you are about to 17 make are the truth, the whole truth and nothing but the 18 truth? 19 MS. LAUREN HUBER: Yes. 20 HEARING EXAMINER ROBESON: Okay. Mr. Chen. 21 MR. CHEN: Thank you. Could you please identify 22 yourself and your residence address? 23 MS. LAUREN HUBER: Yes. My name is Lauren Huber. 24 It's H-U-B-E-R; I live at 12629 Falconbridge Drive. We're 25 property that's diagonal from the Romano's but we are a</p>	<p style="text-align: right;">276</p> <p>1 after that, same time. So you got a feel for there's a lot 2 of cars that are all showing up pretty regularly at the 3 residence. AND then half the time that I would get home 4 from work I would see a slew of cars just kind of just 5 sprawled around, parked on both sides of Falconbridge 6 Terrace. Things along that line. 7 MR. CHEN: Just right on that area, you heard the 8 testimony of Ms. Woodhouse about the photographs that were 9 taken in, I think it's Section 3 of her chronology report, 10 which is Exhibit 46c. 11 MS. LAUREN HUBER: Yes. 12 MR. CHEN: Do you recall that? 13 MS. LAUREN HUBER: Yes. 14 MR. CHEN: And she identified a series of the 15 photographs that she did not take. 16 MS. LAUREN HUBER: Uh-huh. 17 MR. CHEN: Okay. Do you recall that testimony? 18 MS. LAUREN HUBER: Yes. 19 MR. CHEN: And apparently what we just heard from 20 your mother is that she thinks you may have taken some of 21 those photographs; do you recall that testimony? 22 MS. LAUREN HUBER: Yes, I do. 23 MR. CHEN: Okay. And did you take some of the 24 photographs that are in that part of the chronology? 25 MS. LAUREN HUBER: I did take some of those</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

70 (277 to 280)

<p style="text-align: right;">277</p> <p>1 photographs.</p> <p>2 MR. CHEN: Okay. And they're identified in Ms.</p> <p>3 Woodhouse's testimony?</p> <p>4 MS. LAUREN HUBER: That is correct.</p> <p>5 MR. CHEN: She enumerated them, correct?</p> <p>6 MS. LAUREN HUBER: Correct.</p> <p>7 MR. CHEN: Okay. Did -- are all those</p> <p>8 photographs that you took that are part of the listing by</p> <p>9 Ms. Woodhouse accurate in depicting what they purport to</p> <p>10 show?</p> <p>11 MS. LAUREN HUBER: That -- yes, they are accurate</p> <p>12 in their depiction.</p> <p>13 MR. CHEN: Okay. And you took the photographs?</p> <p>14 MS. LAUREN HUBER: Yes, the photographs I took,</p> <p>15 yes.</p> <p>16 MR. CHEN: Okay.</p> <p>17 HEARING EXAMINER ROBESON: Do you have any</p> <p>18 objection to admitting them, Mr. Klopman?</p> <p>19 MR. KLOPMAN: No, Your Honor.</p> <p>20 HEARING EXAMINER ROBESON: Okay.</p> <p>21 MR. CHEN: Okay. Just real quick; Exhibit 95</p> <p>22 that Mr. Klopman just was utilizing about a police</p> <p>23 complaint; to save some time, did you make any complaints to</p> <p>24 the police department at all?</p> <p>25 MS. LAUREN HUBER: No. Not at all.</p>	<p style="text-align: right;">279</p> <p>1 MS. LAUREN HUBER: That exhibit is -- and I'll</p> <p>2 keep it brief; an analysis of the letters that were</p> <p>3 submitted in opposition of CU 1906. And of the signatures</p> <p>4 on the petition that was submitted which is Exhibit 53. It</p> <p>5 showed that the -- excuse me. It went into kind of</p> <p>6 demographics of those who are opposed. Again, I feel it</p> <p>7 largely speaks for itself. If the Hearing Examiner or Mr.</p> <p>8 Klopman have questions, I'd be happy to answer them, though</p> <p>9 in reference to part of Exhibit 88, we just wanted to -- we</p> <p>10 did prepare something in response to that.</p> <p>11 MR. CHEN: Hold on.</p> <p>12 MS. LAUREN HUBER: Okay.</p> <p>13 MR. CHEN: I don't want -- you're going too fast</p> <p>14 for me. We're trying to go fast, but that's a little bit</p> <p>15 too fast. So with regard to Exhibits 52 and 54, you</p> <p>16 prepared both the exhibits; is that correct?</p> <p>17 MS. LAUREN HUBER: Yeah, I performed the</p> <p>18 analysis.</p> <p>19 MR. CHEN: Okay. Fine. There are also --</p> <p>20 HEARING EXAMINER ROBESON: Wait. Have they</p> <p>21 been --</p> <p>22 MR. CHEN: They're in the record. They've</p> <p>23 been -- they're marked. Mr. Klopman, I'm sure has seen them</p> <p>24 and --</p> <p>25 HEARING EXAMINER ROBESON: Do you have any</p>
<p style="text-align: right;">278</p> <p>1 MR. CHEN: Do you know anything about Exhibit 95?</p> <p>2 MS. LAUREN HUBER: This is the first time I've</p> <p>3 heard about it.</p> <p>4 MR. CHEN: Okay. You -- you're -- excuse. There</p> <p>5 is Exhibit number 52 in the record.</p> <p>6 MS. LAUREN HUBER: Yes.</p> <p>7 MR. CHEN: Can you -- do you know what that</p> <p>8 exhibit is?</p> <p>9 MS. LAUREN HUBER: Yes. To keep it very brief</p> <p>10 for this context, it was a critical analysis of letters</p> <p>11 submitted in support of CU 1906 that I -- that was prepared.</p> <p>12 Jean helped me set up the spreadsheet. I read through all</p> <p>13 the letters, performed an analysis --</p> <p>14 HEARING EXAMINER ROBESON: Jean?</p> <p>15 MS. LAUREN HUBER: Oh, sorry. Excuse me. Mrs.</p> <p>16 Huber.</p> <p>17 HEARING EXAMINER ROBESON: Oh.</p> <p>18 MS. LAUREN HUBER: There's the two of us. And I</p> <p>19 feel that it largely speaks for itself, but if the Hearing</p> <p>20 Examiner or Mr. Klopman have any questions, I'd be happy to</p> <p>21 answer them.</p> <p>22 MR. CHEN: Thank you. Similarly, there is</p> <p>23 Exhibit number -- oh, I apologize, 54.</p> <p>24 MS. LAUREN HUBER: Uh-huh.</p> <p>25 MR. CHEN: What is that exhibit?</p>	<p style="text-align: right;">280</p> <p>1 objection, 52 and 54? Let me look.</p> <p>2 MR. KLOPMAN: Well, you know, they're analysis of</p> <p>3 support letters. Yeah, I have an objection to that, Your</p> <p>4 Honor. Because I don't think that anybody can look at a --</p> <p>5 somebody else's letter and analyze it for whether it's, you</p> <p>6 know, it says what it says. And I don't think what any</p> <p>7 other witness says about those letters is relevant. So I</p> <p>8 would object to --</p> <p>9 HEARING EXAMINER ROBESON: Well, you -- the</p> <p>10 letters speak for themselves and you submitted things on</p> <p>11 community support --</p> <p>12 MR. CHEN: Exactly.</p> <p>13 HEARING EXAMINER ROBESON: So I'm going to let it</p> <p>14 in. It's not a criteria for approval as I started out. So</p> <p>15 you know, depending on the -- I'll give it the weight it</p> <p>16 deserves.</p> <p>17 MR. KLOPMAN: I just think that another witness</p> <p>18 reviewing a series of letters --</p> <p>19 HEARING EXAMINER ROBESON: As I said, I'll give</p> <p>20 it the weight it deserves.</p> <p>21 MR. KLOPMAN: All right. Thank you.</p> <p>22 MR. CHEN: I mean they're whole strategy has been</p> <p>23 plebiscite. And so, quite frankly, that's why you have</p> <p>24 those. I recognize the relevancy of them, and I think the</p> <p>25 Hearing Examiner has recognized it also. They speak for</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

71 (281 to 284)

<p>281</p> <p>1 themselves, as you say. Mr. Klopman can cross-examine all 2 he wants, and so can you. So you know, I think they're 3 relevant given the evidence that's been offered by the -- 4 HEARING EXAMINER ROBESON: Well, I understand the 5 you felt the need to submit something in rebuttal, but it's 6 not something I deem highly relevant. 7 MR. CHEN: I'm with you. 8 HEARING EXAMINER ROBESON: Okay. So -- 9 MR. CHEN: I absolutely agree with you and I'm 10 not going to argue contrary to that. What's our next 11 number? 12 HEARING EXAMINER ROBESON: 96. 13 (Exhibit 96 marked for identification) 14 MR. CHEN: Ms. Huber, let me show you a document 15 that's been marked as Exhibit 96. Can you identify this 16 document? 17 MS. LAUREN HUBER: Yes. This is actually taking 18 the map that was submitted in Exhibit 88, which had yellow 19 highlights on all the supporters. 20 MR. CHEN: This is the Applicant's exhibit 88? 21 MS. LAUREN HUBER: Yes. That we have then added 22 red to show those who are opposed. 23 MR. CHEN: Okay. That's all this shows? 24 MS. LAUREN HUBER: That's all it shows. 25 MR. CHEN: Fine, thank you.</p>	<p>283</p> <p>1 same weight to their comparable evidence. 2 HEARING EXAMINER ROBESON: I understand. 3 MR. CHEN: Thank you. I have no further 4 questions for this witness. 5 HEARING EXAMINER ROBESON: Okay. Mr. Klopman? 6 MR. KLOPMAN: Okay. Give me a second, please. 7 HEARING EXAMINER ROBESON: I really want to get 8 to Mr. Davis (sic), but I'll let you do your fact witnesses 9 first. 10 MR. CHEN: I know you do, Your Honor. 11 HEARING EXAMINER ROBESON: It's 4:30. 12 MR. CHEN: You're not going to be close to 6:00. 13 HEARING EXAMINER ROBESON: Huh? 14 MR. CHEN: I'm just going to say to you that I'm 15 proffering that Mr. -- my next fact witness is Mr. Huber. 16 After Mr. Huber will be Mr. Daniellan, which is comparable 17 to their expert witness. 18 HEARING EXAMINER ROBESON: Why are you leaving 19 Mr. Davis (sic) to the end? Okay. All right. Do -- I'm 20 not -- is Mr. Huber going to say anything different than 21 Mrs. Huber said? 22 MR. CHEN: He's got -- there's been accusations 23 made. Okay. And we're responding to -- these witnesses are 24 responding. 25 HEARING EXAMINER ROBESON: Is -- are we going to</p>
<p>282</p> <p>1 HEARING EXAMINER ROBESON: Well, how do you know 2 they're opposed? 3 MS. LAUREN HUBER: We actually used a -- or I 4 used Exhibit 54 which listed those who were in opposition. 5 And then matched up their address to the locations. 6 HEARING EXAMINER ROBESON: The -- I'm not going 7 to let this in. I -- 8 MR. CHEN: Well, wait a minute. Then you're 9 going to let 88 in? All this does it take 88 -- 10 HEARING EXAMINER ROBESON: What is 54? I don't 11 want to spend time arguing about this. 12 MR. CHEN: Not at all, but 54 are the letters in 13 opposition. 14 HEARING EXAMINER ROBESON: Oh, so she went 15 through by actual letter? 16 MR. CHEN: Yes. 17 HEARING EXAMINER ROBESON: Okay. All right. 18 MR. CHEN: That's what her testimony was. 19 HEARING EXAMINER ROBESON: All right. I'll let 20 it in -- 21 MR. CHEN: And the base exhibit is their own 22 exhibit. 23 HEARING EXAMINER ROBESON: Okay. I'll let it in 24 and give it the weight it deserves which is very little. 25 MR. CHEN: I -- so long as you're providing the</p>	<p>284</p> <p>1 get into the she did this and he said that and what did they 2 say and -- 3 MR. CHEN: They made a big issue about the 4 landscaping and the note. 5 HEARING EXAMINER ROBESON: Well -- 6 MR. CHEN: I understand the relevancy from your 7 perspective. 8 HEARING EXAMINER ROBESON: I'm not going to take 9 the time to get into that because I don't find that that 10 is -- I would rather get what I need to hear heard and 11 unfortunately, you know, there is this hostility. But I am 12 not going to get into -- I don't want to sit here for 13 another hour while he asks about police reports and all that 14 kind of -- cameras. I don't think that has anything to do 15 with anything. 16 MR. CHEN: I repeatedly said to you in the past, 17 this afternoon that I agree with that position. Okay. 18 But -- 19 HEARING EXAMINER ROBESON: You want me to say 20 that I won't give theirs weight. 21 MR. CHEN: Yeah. I mean -- let me say this. I 22 have confidence that the Office of Zoning and Administrative 23 Hearings -- the hearing officers, the hearing examiners hear 24 these types of cases often and hear the ad hominum attacks 25 that are made.</p>



Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

72 (285 to 288)

<p>285</p> <p>1 HEARING EXAMINER ROBESON: Yes.</p> <p>2 MR. CHEN: Across, back and forth.</p> <p>3 HEARING EXAMINER ROBESON: Yes.</p> <p>4 MR. CHEN: Okay. Now, on my side of the table</p> <p>5 you always, nonetheless, worry that --</p> <p>6 HEARING EXAMINER ROBESON: Yes.</p> <p>7 MR. CHEN: -- something --</p> <p>8 HEARING EXAMINER ROBESON: I know.</p> <p>9 MR. CHEN: You know -- an examiner hearing</p> <p>10 something and -- please that's the --</p> <p>11 HEARING EXAMINER ROBESON: Mr. -- he -- so what</p> <p>12 exactly is he going to testify about?</p> <p>13 MR. CHEN: Okay.</p> <p>14 HEARING EXAMINER ROBESON: The altercation over</p> <p>15 the tree that I see in the records?</p> <p>16 MR. CHEN: Among the things he's going to say, is</p> <p>17 he has never been on their property. That the tree -- an</p> <p>18 issue was when he came home one night and the tree branch --</p> <p>19 HEARING EXAMINER ROBESON: Was half --</p> <p>20 MR. CHEN: Not even that. No. It was hanging</p> <p>21 off the tree in the street.</p> <p>22 HEARING EXAMINER ROBESON: Okay.</p> <p>23 MR. CHEN: It was a matter --</p> <p>24 HEARING EXAMINER ROBESON: And then what else is</p> <p>25 he going to testify to?</p>	<p>287</p> <p>1 ahead.</p> <p>2 MR. KLOPMAN: Just give me one second. Your</p> <p>3 Honor just give me leeway to ask one or two questions about</p> <p>4 this petition.</p> <p>5 HEARING EXAMINER ROBESON: Okay.</p> <p>6 MR. KLOPMAN: You've submitted a petition that's</p> <p>7 number 53, Exhibit number 53, correct.</p> <p>8 MS. LAUREN HUBER: Correct.</p> <p>9 MR. KLOPMAN: And that petition was referred to</p> <p>10 by Ms. Agresti in both flyers that she issued in January</p> <p>11 that she sent to the -- throughout the neighborhood. And</p> <p>12 then she sent another one in February of 2019, correct?</p> <p>13 MS. LAUREN HUBER: That is correct.</p> <p>14 MR. KLOPMAN: Did you help her draft those</p> <p>15 petitions? I mean those flyers.</p> <p>16 MS. LAUREN HUBER: I did not help her draft those</p> <p>17 flyers.</p> <p>18 MR. KLOPMAN: Okay. But you did tell her to</p> <p>19 refer to your petition? I mean the petition's referred to</p> <p>20 in the flyers.</p> <p>21 MS. LAUREN HUBER: We --</p> <p>22 MR. KLOPMAN: It has a website for the flyer --</p> <p>23 or for the petition.</p> <p>24 MS. LAUREN HUBER: We had talked with her</p> <p>25 beforehand and she wanted to include that so those who</p>
<p>286</p> <p>1 MR. CHEN: He also is the picto -- what I call</p> <p>2 the pictograph.</p> <p>3 HEARING EXAMINER ROBESON: Oh, is he that?</p> <p>4 MR. CHEN: Yes.</p> <p>5 HEARING EXAMINER ROBESON: That is pertinent.</p> <p>6 MR. CHEN: I think it is too.</p> <p>7 HEARING EXAMINER ROBESON: Okay. All right. All</p> <p>8 right. Is he -- so go ahead.</p> <p>9 MR. KLOPMAN: Well I -- Your Honor, I --</p> <p>10 MR. CHEN: Hold on. Do -- did cross-examination?</p> <p>11 MR. KLOPMAN: I haven't done any cross-</p> <p>12 examination. But I would just --</p> <p>13 HEARING EXAMINER ROBESON: I have a little</p> <p>14 stomach. It doesn't, like -- go ahead. Go ahead.</p> <p>15 MR. KLOPMAN: Do you want to take a break?</p> <p>16 HEARING EXAMINER ROBESON: No.</p> <p>17 MR. KLOPMAN: If you want to take a break, Your</p> <p>18 Honor, we can have --</p> <p>19 HEARING EXAMINER ROBESON: No, no, no, no. I</p> <p>20 have learned over the years --</p> <p>21 MR. KLOPMAN: I'm afraid to ask a question</p> <p>22 because I know that you're not going to like what I'm going</p> <p>23 to ask. Give me a second.</p> <p>24 HEARING EXAMINER ROBESON: Well, if he's going to</p> <p>25 consult, I am going to take a break. Well, no. You go</p>	<p>288</p> <p>1 didn't want to write a letter would be able to show</p> <p>2 opposition in a succinct manner.</p> <p>3 MR. KLOPMAN: And did you see that most of the</p> <p>4 people that signed the petition are the same people that</p> <p>5 issued letters? Most of them are, aren't they?</p> <p>6 MS. LAUREN HUBER: No, I would disagree with that</p> <p>7 actually.</p> <p>8 MR. KLOPMAN: You disagree with that. Okay.</p> <p>9 Well, they will speak for themselves. And the people that</p> <p>10 signed the petition did so after they got the flyer from Ms.</p> <p>11 Agresti?</p> <p>12 MR. CHEN: If you know.</p> <p>13 MS. LAUREN HUBER: I honestly wouldn't know.</p> <p>14 MR. KLOPMAN: That's all I have. I want to move</p> <p>15 this forward, Your Honor.</p> <p>16 HEARING EXAMINER ROBESON: Okay. Redirect?</p> <p>17 MR. CHEN: No.</p> <p>18 HEARING EXAMINER ROBESON: Okay. You may be</p> <p>19 excused. And your next witness is Mr. Huber?</p> <p>20 MR. CHEN: Yes.</p> <p>21 HEARING EXAMINER ROBESON: Mr. Huber, do you want</p> <p>22 to come forward? Good afternoon.</p> <p>23 MR. HUBER: Thank you.</p> <p>24 HEARING EXAMINER ROBESON: Please raise your</p> <p>25 right hand. Do you solemnly affirm under penalties of</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

73 (289 to 292)

<p style="text-align: right;">289</p> <p>1 perjury that the statements you're about to make are the 2 truth, the whole truth, and nothing but the truth? 3 MR. HUBER: I do. 4 HEARING EXAMINER ROBESON: Okay. Mr. Chen. 5 MR. CHEN: Thank you. Mr. Huber, you've heard 6 the testimony this afternoon from your wife and your 7 daughter about where they -- you all live, the location of 8 your property in conjunction with the Romano property, the 9 nature of the subdivision, the traffic conditions that exist 10 out there and the operations of the yoga studio. Are those 11 all your experiences and your testimony as well, sir? 12 MR. HUBER: Yes. 13 MR. CHEN: Okay. So if Mr. Klopman wants to 14 cross-examine you on anything about the operations of the 15 yoga studio or the parking or the traffic on Falconbridge 16 Drive, you're open to being cross examined by him; is that 17 correct? 18 MR. HUBER: Uh-huh. 19 MR. CHEN: Okay. 20 MR. KLOPMAN: What was the question, I'm sorry. 21 I didn't hear what the question was. 22 MR. CHEN: He's heard the testimony about the 23 nature of the subdivision and the traffic, the operations of 24 the yoga studio that his wife and daughter gave and he's 25 aware of it and he's prepared to be cross-examined about it</p>	<p style="text-align: right;">291</p> <p>1 Falconbridge Terrace? 2 MR. HUBER: I'll try and paraphrase. Trying to 3 shorten -- 4 HEARING EXAMINER ROBESON: Now the -- I don't 5 want you to -- you're fine. 6 MR. HUBER: All right. 7 HEARING EXAMINER ROBESON: Nothing. Nothing. 8 That's it. Mr. Chen had a question in his eyes, and I said 9 no, there's nothing wrong. Go ahead Mr. Huber. 10 MR. HUBER: Okay. Let's see, my experiences, I 11 might as well just start here. 12 HEARING EXAMINER ROBESON: You don't have to 13 paraphrase; you can say what you want to say. 14 MR. HUBER: Yeah. I just want to get the right 15 starting point in my notes. All right. My experience with 16 the traffic problems caused by the of the situation is the 17 same as described by Elisa, and my wife and daughter; Jean, 18 and Lauren. However, I've had to support my wife through 19 what's become a very difficult ordeal. When we decided to 20 oppose the expansion application, we thought it would be 21 about presenting facts and rationale for claims made. For 22 instance, we provided a copy of Ms. Romano's class schedules 23 and matching them with photos of the parking and traffic 24 bottlenecks in those large classes created. We analyzed the 25 supporting and opposition letters to see how close to the</p>
<p style="text-align: right;">290</p> <p>1 any way you want to cross-examine him. With regard to Mr. 2 Klopman's Exhibit number 95, you looked at it during the 3 break? 4 MR. HUBER: Right. 5 MR. CHEN: Please (inaudible). 6 MR. HUBER: Okay. I didn't get a good look. 7 MR. CHEN: Well, take a look at it. You can take 8 two minutes to look at it. 9 MR. HUBER: Okay. 10 MR. CHEN: Do you know anything about the police 11 complaint that's reflected in Exhibit number 95? 12 MR. HUBER: No. 13 MR. CHEN: Did you file any police complaints 14 about the Romano yoga studio? 15 MR. HUBER: No, I didn't. 16 MR. CHEN: Okay. 17 HEARING EXAMINER ROBESON: Can you speak up a 18 little bit? 19 MR. HUBER: Oh, sorry. No, I didn't. 20 HEARING EXAMINER ROBESON: And is the mic picking 21 him up? Okay. Go ahead. 22 MR. CHEN: Would you please describe to the 23 Hearing Examiner your personal experience with the 24 operations of the yoga studio, paying particular attention 25 to parking and activity on Falconbridge Drive and</p>	<p style="text-align: right;">292</p> <p>1 yoga studio the writers live, which is one way to gauge the 2 impact the yoga studio might have on their lives, and how 3 much weight their opinion ought to carry. We noticed that a 4 large percentage of them lived from outside the 5 neighborhood, which kind of calls into question their 6 expertise and whether their opinions really ought to count 7 for much as far as traffic that affects the neighborhood the 8 and people right across the street. We also provided an 9 analysis of the dynamic nature of constantly moving and 10 changing traffic. Ms. Romano, on the other hand, has 11 provided rationale for the expansion based almost entirely 12 on her opinion, and the opinion of her supporters that yoga 13 is good for people. Sorry about this plebiscite stuff. 14 Largely the use of serve as their facts and rationale for 15 why their applications should be approved. And then, to 16 underscore that they are right, they resort to false 17 accusations, threats, and defamation. None of the technical 18 merits of our reasons for denial, but of our character, and 19 especially the character of my wife, Jean. Just because 20 they wrongly assumed, she filed the complaints. Ms. Romano 21 likes to portray herself as an altruistic, wonderful person 22 who cares deeply for the community, and only teaches yoga to 23 better the health and mind of our customers. Our experience 24 with her and her go the business tells a darker side to her 25 personality. She was intent on having as many customers as</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

74 (293 to 296)

<p style="text-align: right;">293</p> <p>1 she wanted at her home studio, and it didn't really matter 2 what our concerns were, if they met that she would have to 3 limit her operations. After all, running a business is 4 about making money. When my wife got frustrated and angry 5 that a customer was blocking her from pulling into her own 6 driveway Ms. Romano had her lawyer sent us a letter 7 threatening us with a lawsuit. My wife forgot to touch on 8 that. Apparently, her concern for the community only 9 applies to people who see things her way and pay her money. 10 Ms. Romano has convinced her customers that we are out to 11 get her because she wrongly assumed my wife filed the 12 complaints with DPS. Judging from what her supporters have 13 written, and by what some have said in the very serious, she 14 has waged a widespread defamatory attack against my family, 15 and especially my wife, Jean. One of Ms. Romano supporters, 16 Sandra Thomas, who spoke earlier testified at the Planning 17 Board hearing much the same as she testified here. Nobody 18 from the opposition was at the hearing, and she took full 19 advantage that we weren't there to defend Jean and said some 20 very disparaging things about her. I want you to understand 21 that to our knowledge, Ms. Thomas has never met, nor 22 conversed with Jean. She doesn't even live in our 23 neighborhood. How she came to her conclusions, therefore, 24 is an important question. As she revealed it this morning, 25 her biased opinions were greatly influenced by what Ms.</p>	<p style="text-align: right;">295</p> <p>1 is a subsection of the whole development that I feel 2 represents what Falconbridge Drive and up to Jones Lane 3 serves the most people and their drive in and out of the 4 neighborhood. 5 HEARING EXAMINER ROBESON: Do you have an 6 objection to that coming in? 7 MR. KLOPMAN: I don't see the relevance of it. I 8 mean I just don't. I mean it's -- 9 HEARING EXAMINER ROBESON: Well, it helps me with 10 the definition of the surrounding area. Why did you draw -- 11 well, I don't want to get you off track. I would like to 12 know how he choose those boundaries. 13 MR. CHEN: Okay. Well -- 14 MR. HUBER: I actually can explain that. 15 MR. CHEN: Go ahead. 16 HEARING EXAMINER ROBESON: Yeah. I'd like you to 17 explain that. 18 MR. HUBER: All right. So what I did was -- 19 well, I had talked to some people in the neighborhood and 20 I -- about which way they used to get out of the 21 neighborhood, whether they went over to Lloydminster or just 22 up Falconbridge Drive to Jones Lane. Jones Lane is, I guess 23 the primary road over to Route 28, Bardstown Road which is 24 the nearest main road. So I took what they said and then I 25 took a common sense approach and said, well, you know, it's</p>
<p style="text-align: right;">294</p> <p>1 Romano told her, and possibly coached her, to say. Ms. 2 Thomas is Planning Board testimony is available on the 3 record and you have what was said this morning. She 4 described my wife as stalking and prowling around their 5 property. When clearly, the photographs were taken from our 6 side of the street. They weren't taken from on the Romano's 7 property. She accuses Jean of inciting members of the 8 community to fight and fight; described our efforts to 9 inform other people in the community of the planned 10 expansion. Worse, she claims that the complaint doesn't 11 seem to be appropriate for the situation. Please remember, 12 they had been told by Ms. Romano that Jean filed all the 13 complaints against the studio, even though Jean has no -- 14 has not filed any complaints. Ms. Thomas characterized 15 complaints that were about Ms. Romano's violating the 16 conditions of her home certificate is not appropriate for 17 the situation. I find that hard to understand. 18 MR. CHEN: Let me interrupt you, just for a 19 minute, okay? You have, I believe, a copy of Exhibit number 20 79e? 21 MR. HUBER: Yeah. 22 MR. CHEN: Okay. It's in the record, 79e. 23 HEARING EXAMINER ROBESON: I saw that. 24 MR. CHEN: Can you identify this document? 25 MR. HUBER: Yeah, this is from Google maps, and</p>	<p style="text-align: right;">296</p> <p>1 kind of a matter of convenience and practicality and 2 directness. If you live down at the end of Falconbridge 3 Drive in this picture, a couple of blocks down, you're 4 probably going to shoot up the hill and go to Jones Lane. 5 You're not going to take several turns and wrap around and 6 go out this way, except on occasion. Same things for some 7 of the secondary roads nearby. And where they progressed 8 over towards, say Lloydminster, which also goes to Jones 9 Lane, I split it in half. Equally between those two roads. 10 And down at this end Triple Crown Road -- 11 HEARING EXAMINER ROBESON: This end is the 12 lower -- 13 MR. HUBER: The lower -- 14 HEARING EXAMINER ROBESON: -- right corner? 15 MR. HUBER: Right corner, right. Where Triple 16 Crown goes and comes down and is cut off; Hialeah Way is 17 included. But again, I chose to cut it at about half way 18 between Falconbridge Drive and what is it, Horse Center, I 19 think that goes out to Quince Orchard Road; feeling that 20 that in general, for the most part, is the -- dividing it 21 equally which way somebody would go. Then we have this 22 upscale townhouse development all the way on the right over 23 and down past the powerlines, which is a straight shot once 24 you get up the hill to go up Falconbridge and I think -- you 25 know from what I've seen for the most part they go straight</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

75 (297 to 300)

<p style="text-align: right;">297</p> <p>1 out and then go around.</p> <p>2 HEARING EXAMINER ROBESON: Okay. I'm -- I'm</p> <p>3 going to let that in because that does go to the definition</p> <p>4 of the surrounding area that should be used for</p> <p>5 compatibility.</p> <p>6 MR. KLOPMAN: And Exhibit 88, the map that the</p> <p>7 subdivision map that I gave is the -- of the subdivision the</p> <p>8 streets are on there too, Your Honor. I just wanted you to</p> <p>9 know that.</p> <p>10 HEARING EXAMINER ROBESON: Well, he has some more</p> <p>11 basis for excluding -- I thought that was a little big. I</p> <p>12 saw that.</p> <p>13 MR. KLOPMAN: (inaudible) but the --</p> <p>14 HEARING EXAMINER ROBESON: But I haven't decided</p> <p>15 yet.</p> <p>16 MR. KLOPMAN: Okay.</p> <p>17 HEARING EXAMINER ROBESON: And do you have expert</p> <p>18 testimony on that, Mr. Chen?</p> <p>19 MR. CHEN: Yes.</p> <p>20 HEARING EXAMINER ROBESON: I'm going to let it</p> <p>21 in.</p> <p>22 MR. KLOPMAN: Okay.</p> <p>23 HEARING EXAMINER ROBESON: And I'm going to hear</p> <p>24 the expert testimony. Okay. Keep going, Mr. Huber.</p> <p>25 MR. KLOPMAN: Okay. I mean essentially that</p>	<p style="text-align: right;">299</p> <p>1 HEARING EXAMINER ROBESON: I have it, Mr. Chen,</p> <p>2 if you want to take it back.</p> <p>3 MR. CHEN: Great, thank you.</p> <p>4 MR. HUBER: When I looked at the -- I believe it</p> <p>5 was the supplement to the prehearing package that Mr.</p> <p>6 Klopman supplied, I noticed that there was an error in one</p> <p>7 of the photographs that looked down Falconbridge Terrace</p> <p>8 from the intersection, so that's at the bottom of this</p> <p>9 exhibit, looking from left to right. And it exaggerated the</p> <p>10 (inaudible) dimension for the amount of area available for</p> <p>11 parking, presumably taking into account the 30 foot no</p> <p>12 parking zone. We had -- earlier we had kind of taken a</p> <p>13 cursory look at that and the numbers didn't match up. I</p> <p>14 remembered about 50 feet and theirs said about 75 feet. So</p> <p>15 my son and I who's also a mechanical engineer, we went out</p> <p>16 there</p> <p>17 MR. HUBER: When I looked at the -- I believe it</p> <p>18 was the supplement to the prehearing package that Mr.</p> <p>19 Klopman supplied, I noticed that there was an error in one</p> <p>20 of the photographs that looked down Falconbridge Terrace</p> <p>21 from the intersection, so that's at the bottom of this</p> <p>22 exhibit, looking from left to right. And it exaggerated the</p> <p>23 (inaudible) dimension for the amount of area available for</p> <p>24 parking, presumably taking into account the 30 foot no</p> <p>25 parking zone. We had -- earlier we had kind of taken a</p>
<p style="text-align: right;">298</p> <p>1 exhibit is this witness' opinion of what is the affected</p> <p>2 area.</p> <p>3 HEARING EXAMINER ROBESON: That is exactly why I</p> <p>4 wanted to hear why he said it.</p> <p>5 MR. KLOPMAN: Exactly, yeah.</p> <p>6 HEARING EXAMINER ROBESON: So go ahead, Mr.</p> <p>7 Huber.</p> <p>8 MR. CHEN: Thank you. Mr. Huber, Exhibit number</p> <p>9 51.</p> <p>10 MR. HUBER: Okay.</p> <p>11 MR. CHEN: Do you have it in front of you? I can</p> <p>12 give you a copy if you don't have it.</p> <p>13 MR. HUBER: I have it somewhere. Can you show me</p> <p>14 what it -- oh yeah? Okay.</p> <p>15 MR. CHEN: I'm going to show you Exhibit number</p> <p>16 51.</p> <p>17 MR. HUBER: Is that it?</p> <p>18 MR. CHEN: That's the one, right. Can you</p> <p>19 identify this exhibit and explain what it is?</p> <p>20 MR. KLOPMAN: Can I see which one that is? I</p> <p>21 don't --</p> <p>22 MR. CHEN: It's --</p> <p>23 MR. KLOPMAN: Okay.</p> <p>24 MR. CHEN: Can you explain to the hearing</p> <p>25 examiner what is Exhibit 51?</p>	<p style="text-align: right;">300</p> <p>1 cursory look at that and the numbers didn't match up. I</p> <p>2 remembered about 50 feet and theirs said about 75 feet. So</p> <p>3 my son and I who's also a mechanical engineer, we went out</p> <p>4 there with a 100-foot tape measure and we remeasured, and we</p> <p>5 got 51-1/2 feet for parking from their back-lot line up to</p> <p>6 the 30-foot line before the stop sign. I also -- this is</p> <p>7 also created from the Romano's landscape master plan, just</p> <p>8 because it was a good picture to use. And I retyped the</p> <p>9 property line dimensions because they were almost impossible</p> <p>10 to read. It took a lot of effort. So I wanted to have</p> <p>11 legible numbers so there was some context, some reference</p> <p>12 for what I was showing versus the property line dimensions.</p> <p>13 MR. CHEN: And --</p> <p>14 MR. HUBER: And I just didn't want that to --</p> <p>15 such a large discrepancy to stand about how much parking</p> <p>16 might be available on Falconbridge Terrace because down the</p> <p>17 road you don't know what that might lead to. What kind of</p> <p>18 misconceptions about how much parking there could be for how</p> <p>19 many cars.</p> <p>20 MR. CHEN: So the dimension figures that are</p> <p>21 provided on Exhibit 51 along Falconbridge Terrace, as I</p> <p>22 understand your testimony, are based upon your actual</p> <p>23 measurements?</p> <p>24 MR. HUBER: Yes.</p> <p>25 MR. CHEN: Okay. I'll offer Exhibit 51.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

76 (301 to 304)

<p>301</p> <p>1 HEARING EXAMINER ROBESON: Mr. Klopman?</p> <p>2 MR. KLOPMAN: No objection.</p> <p>3 HEARING EXAMINER ROBESON: Okay. It's in.</p> <p>4 (Exhibit 51 admitted into the record)</p> <p>5 MR. CHEN: Exhibit number 79d, sir, do you have a</p> <p>6 copy of that in front of you?</p> <p>7 MR. HUBER: Yes. Which one?</p> <p>8 MR. CHEN: It's two pages.</p> <p>9 MR. HUBER: Oh. I don't have the first page, I</p> <p>10 forgot to print it out. That's the explanation, right?</p> <p>11 MR. CHEN: Okay. Well, the explanation's in</p> <p>12 evidence and --</p> <p>13 MR. HUBER: Yeah.</p> <p>14 MR. CHEN: So let's do this. Can you please</p> <p>15 identify Exhibit number 79d and explain to the Hearing</p> <p>16 Examiner what it is?</p> <p>17 MR. HUBER: Okay. So we call this the</p> <p>18 pictograph. Traffic is a dynamic event; cars are moving and</p> <p>19 there are gaps between the cars. So they are there for a</p> <p>20 period of time, and then they're not there for a period of</p> <p>21 time. And that's varies by how many cars and what speeds</p> <p>22 are. The still pictures that Mr. Klopman likes to throw</p> <p>23 out, which shows a lot of the empty streets devoid of</p> <p>24 traffic --</p> <p>25 MR. KLOPMAN: Your Honor, you know what, there</p>	<p>303</p> <p>1 recorded. It's when it records based on being triggered by</p> <p>2 motion. And the black is when there is no recording made.</p> <p>3 So I took pictures of the screen for this two-week period,</p> <p>4 and then made those rows on top of each other to make this</p> <p>5 table, which shows a full two-week period with the weekend</p> <p>6 days and what the traffic frequency looks like. You can see</p> <p>7 between, like, 6:00 and 9:00, I mean, 6:00 and 8:30 on the</p> <p>8 weekend days if a higher density of purple, which makes</p> <p>9 sense because that kind of rush hour. There is a little bit</p> <p>10 less density during the mid-day, and then it increases in</p> <p>11 the afternoon, for most days. And then starts tapering off</p> <p>12 around 8:00 or 9:00 at night. So it makes sense from a, you</p> <p>13 know, a top-level look. And the weekends are lower</p> <p>14 frequency than the week days, which also makes sense. And</p> <p>15 start later. Notice the weekends start later in the</p> <p>16 morning. So when you do a sanity check and step back and</p> <p>17 look at it it seemed to make sense that it's showing a good</p> <p>18 depiction of what the traffic looks like. The numbers on</p> <p>19 the right-hand side, from the system. It gives you</p> <p>20 sequential numbers for the number of recording periods.</p> <p>21 HEARING EXAMINER ROBESON: Does it pick up</p> <p>22 pedestrians too?</p> <p>23 MR. HUBER: Well, if you look at the view at the</p> <p>24 bottom of the page there is a red box.</p> <p>25 HEARING EXAMINER ROBESON: Oh yeah.</p>
<p>302</p> <p>1 doesn't need to be characterizations of what I have done,</p> <p>2 how I have conducted myself through the hearing. I think</p> <p>3 it's improper for him to --</p> <p>4 HEARING EXAMINER ROBESON: Wait. I didn't hear</p> <p>5 him do that.</p> <p>6 MR. KLOPMAN: I thought that's what he just did.</p> <p>7 HEARING EXAMINER ROBESON: Would --</p> <p>8 MR. CHEN: I withdraw it just --</p> <p>9 HEARING EXAMINER ROBESON: I was looking at the</p> <p>10 pictograph.</p> <p>11 MR. HUBER: Okay.</p> <p>12 HEARING EXAMINER ROBESON: Stick to describing</p> <p>13 how you came up with this.</p> <p>14 MR. HUBER: Using still photographs to depict</p> <p>15 dynamic events, you know normal exposure is some fraction, a</p> <p>16 couple of the hundreds of a second. So it's pretty easy to</p> <p>17 pick a time, a sliver of time where it shows what you want</p> <p>18 when you're showing traffic. I wanted to show the traffic,</p> <p>19 or how much traffic there was on the road. We didn't get --</p> <p>20 you know, we don't sit out there and start counting cars.</p> <p>21 So I noticed that our surveillance system, when you called</p> <p>22 up the playback function you've got this neat little graph,</p> <p>23 and the graph is one row shown at the top of this page for</p> <p>24 each -- for the given date that you pulled up. And the</p> <p>25 purple lines are traffic events recorded, or events</p>	<p>304</p> <p>1 MR. HUBER: And that's where it set to pick up</p> <p>2 motion.</p> <p>3 HEARING EXAMINER ROBESON: Oh, I see. Okay.</p> <p>4 MR. HUBER: Yeah. So it's also dependent upon</p> <p>5 distance. And so I sent this to pick up people along the</p> <p>6 sidewalk and cars along Falconbridge Drive. And we don't</p> <p>7 pick up -- it doesn't trigger for anybody in the Romano's</p> <p>8 front yard, they are too far away, the motion doesn't cover</p> <p>9 a number of pixels really, I guess. And it doesn't tend to</p> <p>10 trigger that way. It also doesn't trigger with any animals</p> <p>11 in the foreground. And you notice, it's below the leaves so</p> <p>12 if the wind isn't blowing it's not picking up a bunch of</p> <p>13 weekend events. So that's how I tried to optimize what it</p> <p>14 was showing, that it was showing the traffic on the road as</p> <p>15 best as we could. I couldn't mount this camera any higher</p> <p>16 because I've had two knee replacements in the last five</p> <p>17 months, and I can't get on a ladder yet. And I can't</p> <p>18 install it better. But it's not there to take pictures of</p> <p>19 their house; it said there to watch the road. We parked it</p> <p>20 there as they haven't been wont to say. My son parks</p> <p>21 basically between that black car and the lamp post on the</p> <p>22 left, in the view at the bottom. And we are concerned about</p> <p>23 the cars of being hit at some point. We've had three cars</p> <p>24 hit in front of our house over the past eight years. One</p> <p>25 was totaled, one almost so, and one was \$1100 worth of</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

77 (305 to 308)

<p>305</p> <p>1 damage.</p> <p>2 MR. CHEN: Were any of those related to the yoga</p> <p>3 studio?</p> <p>4 MR. HUBER: One of them was related to the type</p> <p>5 of traffic congestion caused by the yoga studio. I don't</p> <p>6 recall --</p> <p>7 HEARING EXAMINER ROBESON: And what makes you say</p> <p>8 that?</p> <p>9 MR. HUBER: Well, I don't recall whether a class</p> <p>10 was in session at that time, but there were cars parked</p> <p>11 along the street. And what happened, I happen to be in the</p> <p>12 front yard watching the road. It was kind of weird to see</p> <p>13 this happen, I remember being a little concerned because our</p> <p>14 neighbor had just backed out of her driveway and if you</p> <p>15 remember my daughter mentioned earlier, or my wife did, that</p> <p>16 our neighbor directly across from, their driveway is</p> <p>17 directly across from our front curb it. They've asked us</p> <p>18 not to park on the curb it there because they are worried</p> <p>19 about backing out or their parents, their elderly parents or</p> <p>20 friends the backing out and hitting one of our cars. So we</p> <p>21 try not to park there. We park up here where the light pole</p> <p>22 is, and it's a really dead part of Elisa's yard; it's not</p> <p>23 near their driveway so it seems to be a good compromise. We</p> <p>24 had the van parked on the curb for that period; that</p> <p>25 weekend, or weekday. You know, a couple of week period is</p>	<p>307</p> <p>1 street in this view. I think a little to the left.</p> <p>2 MR. CHEN: So that, as I understand your</p> <p>3 testimony, there was a vehicle coming from the right?</p> <p>4 MR. HUBER: From the left. Well, coming from the</p> <p>5 right, yes.</p> <p>6 HEARING EXAMINER ROBESON: From the right; can</p> <p>7 you give me a direction?</p> <p>8 MR. CHEN: Is that from Jones?</p> <p>9 MR. HUBER: That would have been from the west.</p> <p>10 HEARING EXAMINER ROBESON: From Jones Lane?</p> <p>11 MR. HUBER: From Jones Lane, and the Falconbridge</p> <p>12 Terrace intersection.</p> <p>13 MR. CHEN: And the vehicle that was parked, was</p> <p>14 Ian, as I said, abutting the Romano property? The parked</p> <p>15 car?</p> <p>16 MR. HUBER: Yes.</p> <p>17 MR. KLOPMAN: I'm going to object, Your Honor.</p> <p>18 Because there's no -- he even himself admitted that he</p> <p>19 doesn't know if there was a yoga class going on.</p> <p>20 HEARING EXAMINER ROBESON: Well, you can bring</p> <p>21 that up in cross. Not (inaudible) you can bring that up on</p> <p>22 cross.</p> <p>23 MR. HUBER: I'm not saying it was caused directly</p> <p>24 by yoga. I'm saying it's caused by the congestion</p> <p>25 representative of what the congestion we are concerned about</p>
<p>306</p> <p>1 what it was. So I was watching to see if it was posing a</p> <p>2 problem to them. And then when they were done, more traffic</p> <p>3 came by and this big SUV was coming up from the left, and it</p> <p>4 squeezed over to avoid the car that was coming from the</p> <p>5 right, which was driving more down the center because of</p> <p>6 cars against the curb on the other side. And they misjudged</p> <p>7 the distance to our car parked against our curb and</p> <p>8 sideswiped it. So I don't know if the cars there were</p> <p>9 directly, you know, yoga class cars or friends visiting, but</p> <p>10 it is representative of the situation that could happen.</p> <p>11 And the congestion and what can happen from congestion of</p> <p>12 this type and you know traffic of that type. And frankly,</p> <p>13 what we worry about quite a lot on this road with the cars,</p> <p>14 you know, driving down here and having to avoid other cars</p> <p>15 and stuff, we're probably more concerned than most people</p> <p>16 because again, we've had three cars hit. I think it has</p> <p>17 something to do with the slight curve that starts at our</p> <p>18 property and ends at the intersection that just somehow</p> <p>19 makes it more likely to be hit. But maybe we're just lucky</p> <p>20 in that way.</p> <p>21 MR. CHEN: But as I understand your testimony,</p> <p>22 there was a vehicle, at least one, parked in the road right-</p> <p>23 of-way that is contemplated to be part of the on-street</p> <p>24 parking area in this application?</p> <p>25 MR. HUBER: Yeah, it was directly across the</p>	<p>308</p> <p>1 that (inaudible) yoga parking does cause.</p> <p>2 MR. CHEN: So the one vehicle was parked in the</p> <p>3 right-of-way area that's been proposed, in this case, for</p> <p>4 on-street parking?</p> <p>5 MR. KLOPMAN: Now he's leading.</p> <p>6 HEARING EXAMINER ROBESON: That --</p> <p>7 MR. CHEN: Well, I'm trying to --</p> <p>8 HEARING EXAMINER ROBESON: -- that's true, Mr.</p> <p>9 Chen.</p> <p>10 MR. CHEN: Where was the parked car?</p> <p>11 MR. HUBER: The parked car was directly across</p> <p>12 the street in this view, on the left half of the image.</p> <p>13 MR. CHEN: Okay. And what property was parked</p> <p>14 adjacent to?</p> <p>15 MR. HUBER: It was abutting the Romano's curb.</p> <p>16 MR. CHEN: Okay. And the vehicle -- the two</p> <p>17 moving vehicles, you said one was coming from the right?</p> <p>18 MR. HUBER: Yes.</p> <p>19 MR. CHEN: Okay. Which vehicle was that?</p> <p>20 MR. HUBER: Uh --</p> <p>21 HEARING EXAMINER ROBESON: The right is closer to</p> <p>22 Jones Lane?</p> <p>23 MR. HUBER: Jones Lane Elementary and Jones Lane</p> <p>24 Road.</p> <p>25 HEARING EXAMINER ROBESON: Okay.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

78 (309 to 312)

<p>309</p> <p>1 MR. CHEN: So that moving vehicle is coming from 2 the Jones Lane direction? 3 MR. HUBER: Right. 4 MR. CHEN: Okay. 5 MR. HUBER: I don't remember what kind it was, 6 but it wasn't involved in the accident, so it just 7 continued. The car that hit our van was coming from the 8 left. 9 MR. CHEN: Proceeding then towards Jones Lane? 10 HEARING EXAMINER ROBESON: From further down 11 Falconbridge Drive? 12 MR. HUBER: Yes. 13 HEARING EXAMINER ROBESON: Towards Jones Lane? 14 MR. HUBER: Yes. 15 HEARING EXAMINER ROBESON: Okay. 16 MR. CHEN: Okay. And what happened? 17 MR. HUBER: And as the car going down 18 Falconbridge from the right, being moved over towards the 19 center got near our car -- 20 MR. CHEN: Why was it moved over towards the 21 center? 22 MR. HUBER: Because of the car parked on the 23 other side. 24 MR. CHEN: Okay. Keep going. 25 MR. HUBER: Couldn't hold the curb, or --</p>	<p>311</p> <p>1 MR. KLOPMAN: Did she express concerns that she 2 wanted to talk to you about meeting whatever concerns you 3 had about her yoga classes? 4 MR. HUBER: Yes. 5 MR. KLOPMAN: Okay. And while she was talking to 6 you did you indicate to her that the yoga studio had really 7 gotten under your wife's skin? 8 MR. HUBER: Yes. That's a common phrase 9 indicating someone's angry or upset. 10 HEARING EXAMINER ROBESON: Okay. You can just 11 say yes. 12 MR. KLOPMAN: And then did your wife come out 13 from outside and very aggressively start talking to Ms. 14 Romano? 15 MR. HUBER: No. She came out and she started 16 talking to her. 17 MR. KLOPMAN: And did she explain to Ms. Romano 18 that she did not approve of her conducting a yoga studio at 19 her house? 20 MR. HUBER: Yeah, I think she did. 21 MR. KLOPMAN: Okay. And she also said that -- 22 did she say that she shouldn't be running -- that she should 23 be taking care of her kids rather than running the studio? 24 MR. HUBER: No. 25 MR. KLOPMAN: Something to that effect?</p>
<p>310</p> <p>1 MR. CHEN: Right. 2 MR. HUBER: -- move over too far. It was pushed 3 towards the center and then the driver coming up the other 4 way was concerned about clearing it and so they tried to hug 5 our side, which had our van there, and they misjudged, and 6 sideswiped the van. 7 MR. CHEN: Okay. Thank you. That's all I've 8 got. 9 HEARING EXAMINER ROBESON: Mr. Klopman? 10 MR. KLOPMAN: Thank you. Mr. Huber, again, you 11 were present when Ms. Romano in the spring of 2017 approach 12 to you about the yoga studio, and you were outside working 13 on your yard with your wife -- and your wife wasn't present, 14 correct? 15 MR. HUBER: Uh-huh. 16 MR. KLOPMAN: Is that right? 17 MR. HUBER: Yes. 18 MR. KLOPMAN: You have to answer. 19 MR. HUBER: Yes. 20 MR. KLOPMAN: And you admitted to Ms. Romano at 21 that time -- Ms. Romano came over and did she apologize at 22 that time for any inconvenience -- 23 MR. HUBER: I don't recall. 24 MR. KLOPMAN: You don't recall that? 25 MR. HUBER: No.</p>	<p>312</p> <p>1 MR. HUBER: No. 2 MR. KLOPMAN: Did she indicate something to that 3 effect? 4 MR. HUBER: No. She's a professional worker, she 5 doesn't, you know a working woman. She's very proud of that 6 fact. She doesn't put women down like that. 7 MR. KLOPMAN: Did you make a -- have you ever 8 called the police regarding landscaping issues at the Romano 9 house? 10 MR. HUBER: I don't think so. 11 MR. KLOPMAN: You don't think so? You may have, 12 but you don't think so? 13 MR. HUBER: I don't recall ever doing that. 14 MR. KLOPMAN: Did you ever have an objection to 15 the way the Romano's left of their landscaping, like bundled 16 leaves, branches, on the curb rather than on their yard? 17 MR. HUBER: Yeah. 18 MR. KLOPMAN: You did have an objection to that? 19 MR. HUBER: Uh-huh. 20 MR. KLOPMAN: And you did voice that objection to 21 the Romanos, either Mrs. Romano or Mr. Romano? 22 MR. HUBER: Yeah. 23 MR. KLOPMAN: Okay. And did you -- have you 24 looked at Exhibit number 95? 25 MR. HUBER: Yeah.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

79 (313 to 316)

<p>313</p> <p>1 MR. KLOPMAN: You've looked at it? Because it 2 says that the complaint -- 3 MR. HUBER: It's a lot of pages. 4 MR. KLOPMAN: The complaint that day was problem 5 branches that are not bundled, placed at curb creating a 6 traffic hazard. 7 MR. HUBER: Uh-huh. 8 MR. KLOPMAN: That was your complaint regarding 9 Ms. Romano and -- 10 MR. HUBER: It's a similar complaint. 11 MR. KLOPMAN: You had a similar complaint about 12 that? 13 MR. HUBER: Yeah. 14 MR. KLOPMAN: Your Honor, I will introduce number 15 95. 16 HEARING EXAMINER ROBESON: Well, do you have 17 anybody who can authenticate it? 18 MR. KLOPMAN: Mr. Claude -- I'll do that through 19 Mr. Romano because he got this from the police department. 20 HEARING EXAMINER ROBESON: Okay. We can do that. 21 MR. KLOPMAN: We'll do that on rebuttal. 22 HEARING EXAMINER ROBESON: Yes. Thank you. 23 MR. KLOPMAN: Okay. And then you've seen Exhibit 24 number 76, have you not, Mr. Huber, this complaint that your 25 wife said that you --</p>	<p>315</p> <p>1 it's a very inappropriate for that intersection and being at 2 the entrance to the neighborhood because again, it forces 3 cars away from their side, and towards our side, and it 4 creates the situation where we had the van hit. It 5 contributed to that kind of situation. Most of us put the 6 stuff at the end of the driveway on the apron, or upon the 7 grass nearby. 8 MR. KLOPMAN: That's what you do? 9 MR. HUBER: That's what most people do. 10 MR. KLOPMAN: Well -- 11 MR. HUBER: That's what I see. 12 MR. KLOPMAN: That's what you see? Near you? 13 HEARING EXAMINER ROBESON: Okay. 14 MR. KLOPMAN: Okay. I'm moving on. When this -- 15 you have some pictures of a broken tree branch that's in 16 your submission, okay, right? 17 MR. HUBER: Yeah, I'm glad you brought that up. 18 MR. KLOPMAN: Did you call the police about that? 19 MR. HUBER: No. 20 MR. KLOPMAN: Well, there's a complaint that was 21 made in July -- 22 HEARING EXAMINER ROBESON: Are you looking at 95? 23 MR. KLOPMAN: No, it's 96 -- it's going to be -- 24 what's the next exhibit? 25 HEARING EXAMINER ROBESON: 96.</p>
<p>314</p> <p>1 MR. HUBER: The note? 2 MR. KLOPMAN: The note that you -- 3 MR. HUBER: Is that the note? Yeah. 4 MR. KLOPMAN: Okay. Did you draft this? 5 MR. HUBER: Yes, I did. 6 MR. KLOPMAN: Okay. Did you type it up? 7 MR. HUBER: Yes, I did. 8 MR. KLOPMAN: Did you take it to Ms. Romano's 9 house? 10 MR. HUBER: I put it on the branches. 11 MR. KLOPMAN: You put it on the branches on their 12 property? 13 MR. HUBER: On the street. 14 MR. KLOPMAN: On the street. Okay. And was that 15 the same time of this police complaint which was November -- 16 pardon me, September of 2017? 17 MR. HUBER: I don't know. Let me see. 18 MR. KLOPMAN: So you objected to the way the 19 Romano's left in their landscaping on the curb, and that 20 they put their trash receptacle on the curb, correct? 21 MR. HUBER: I don't like that they do that, 22 correct. 23 MR. KLOPMAN: Do other people in the neighborhood 24 do that? 25 MR. HUBER: Very few. It's unusual, and I think</p>	<p>316</p> <p>1 THE COURT REPORTER: 97. 2 MR. HUBER: If it's the one that -- 3 MR. KLOPMAN: You don't have it yet, because I 4 haven't referred to it yet. 5 HEARING EXAMINER ROBESON: Oh, okay. 6 MR. HUBER: Okay. 7 HEARING EXAMINER ROBESON: Go ahead. 8 MR. KLOPMAN: This is 97? 9 HEARING EXAMINER ROBESON: Yeah. 10 MR. KLOPMAN: I'm not -- he's not going to 11 testify to it, Your Honor, I'm not going to -- I'm going to 12 do it through Mr. Romano. There's a -- did you ever make a 13 complaint on July 31st, 2018 regarding that broken tree limb 14 with the police? 15 MR. HUBER: Oh no. 16 MR. KLOPMAN: Did anyone in your house do that? 17 MR. HUBER: No. 18 MR. KLOPMAN: Did Ms. -- did your daughter do it? 19 MR. HUBER: No. 20 MR. KLOPMAN: Did your wife do it? 21 MR. HUBER: No. 22 MR. KLOPMAN: Did your son do it? 23 MR. HUBER: No. 24 MR. KLOPMAN: Did your daughter, Lauren, ever 25 call the police regarding Ms. -- Mr. and Mrs. Romano's</p>



Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

80 (317 to 320)

<p>317</p> <p>1 landscaping?</p> <p>2 MR. HUBER: No.</p> <p>3 MR. KLOPMAN: Did you -- when this first</p> <p>4 interaction you had with Ms. Romano in the spring of 2017,</p> <p>5 you expressed concern about the leaves coming from their</p> <p>6 property onto your property; isn't that correct?</p> <p>7 MR. HUBER: I expressed concern about the leaves</p> <p>8 that they leave in the gutter.</p> <p>9 MR. KLOPMAN: Okay. And did Ms. Romano</p> <p>10 immediately attend to that in front of you?</p> <p>11 MR. HUBER: Once.</p> <p>12 MR. KLOPMAN: Okay.</p> <p>13 MR. HUBER: And it wasn't in front of me.</p> <p>14 MR. KLOPMAN: Now, there's some pictures and I'm</p> <p>15 not going to spend the time to go through this right now,</p> <p>16 but you have a very large driveway in your house, correct?</p> <p>17 MR. HUBER: No.</p> <p>18 MR. KLOPMAN: You can't fit three cars off --</p> <p>19 MR. HUBER: We can fit three cars across. We can</p> <p>20 barely fit a second car before we get onto the sidewalk, but</p> <p>21 it has to be a small car. I don't call it a very large</p> <p>22 driveway.</p> <p>23 MR. KLOPMAN: You don't call it a very large</p> <p>24 driveway.</p> <p>25 MR. HUBER: No.</p>	<p>319</p> <p>1 I mean this frequently you had four cars parked in your</p> <p>2 driveway?</p> <p>3 MR. HUBER: There was a period where we had an</p> <p>4 extra car and we did that, yes.</p> <p>5 MR. KLOPMAN: And so during that period of time</p> <p>6 you didn't park any cars on Falconbridge Drive, correct?</p> <p>7 MR. HUBER: No. We still did when the kids were</p> <p>8 home from school.</p> <p>9 MR. KLOPMAN: If they weren't home from school,</p> <p>10 when your four people living in your house that were working</p> <p>11 with four cars, there was often the times when you parked</p> <p>12 your -- all four cars in the driveway, isn't that correct?</p> <p>13 MR. HUBER: When there were -- no because that</p> <p>14 was an extra car, so my wife and I basically had three cars</p> <p>15 between the two of us. So we keep that one, it was usually</p> <p>16 bottlenecked in by my daughter's car and we would</p> <p>17 occasionally get it out. But we usually have our -- one of</p> <p>18 our sons, the one who's home more park on the street.</p> <p>19 HEARING EXAMINER ROBESON: I'm not sure --</p> <p>20 MR. KLOPMAN: You have had an occasion --</p> <p>21 HEARING EXAMINER ROBESON: Wait. Where is this</p> <p>22 going? I'm not clear --</p> <p>23 MR. KLOPMAN: I'm almost finished, Your Honor.</p> <p>24 I'm almost finished.</p> <p>25 HEARING EXAMINER ROBESON: Okay. I just -- I'm</p>
<p>318</p> <p>1 MR. KLOPMAN: Well, the pictures --</p> <p>2 MR. HUBER: It's a pain.</p> <p>3 MR. KLOPMAN: We have the pictures in the record.</p> <p>4 There's some pictures --</p> <p>5 MR. HUBER: She has a very large driveway.</p> <p>6 HEARING EXAMINER ROBESON: Okay. You can't --</p> <p>7 this is not your time --</p> <p>8 MR. HUBER: Okay.</p> <p>9 HEARING EXAMINER ROBESON: You have to answer his</p> <p>10 questions.</p> <p>11 MR. HUBER: All right.</p> <p>12 MR. KLOPMAN: So in the past you have had four,</p> <p>13 or five cars at your house; is that correct?</p> <p>14 MR. HUBER: Uh-huh.</p> <p>15 MR. KLOPMAN: You have to answer yes or no for</p> <p>16 the court reporter.</p> <p>17 MR. HUBER: Yes.</p> <p>18 MR. KLOPMAN: I'm sorry, that's just the way it</p> <p>19 is.</p> <p>20 MR. HUBER: Yeah.</p> <p>21 MR. KLOPMAN: And in the past you've had --</p> <p>22 you've parked four cars in your driveway on a regular</p> <p>23 occasion; would you agree with that?</p> <p>24 MR. HUBER: Occasionally, yeah.</p> <p>25 MR. KLOPMAN: But I mean it's not an occasional,</p>	<p>320</p> <p>1 not clear on the -- go ahead.</p> <p>2 MR. KLOPMAN: I'm going to -- it's going to be an</p> <p>3 argument about this other car. But that's not why I'm</p> <p>4 asking this.</p> <p>5 HEARING EXAMINER ROBESON: Okay.</p> <p>6 MR. KLOPMAN: But you have had an occasion where</p> <p>7 you parked two cars in the front near your garage and two</p> <p>8 cars behind that -- those two cars, correct?</p> <p>9 MR. HUBER: Sure.</p> <p>10 MR. KLOPMAN: Thank you. You talked about this</p> <p>11 incident that you had where your car -- you went into great</p> <p>12 detail. What time of day did that occur? About a car that</p> <p>13 hit one of your cars.</p> <p>14 MR. HUBER: I recall it being probably late</p> <p>15 morning, midmorning.</p> <p>16 MR. KLOPMAN: Okay. Close to noon?</p> <p>17 MR. HUBER: I don't think it was that late.</p> <p>18 MR. KLOPMAN: But you've indicated you don't</p> <p>19 think there was a yoga class going on at the time, correct?</p> <p>20 MR. HUBER: I don't know if there was a yoga</p> <p>21 class going on.</p> <p>22 MR. KLOPMAN: But if there's a car parked</p> <p>23 anywhere on Falconbridge Drive somebody goes around it, or</p> <p>24 goes, you know, somebody who is not paying attention could</p> <p>25 have an accident, correct?</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

81 (321 to 324)

321	323
<p>1 MR. HUBER: Yeah.</p> <p>2 MR. KLOPMAN: And that's what happened, right?</p> <p>3 MR. HUBER: Yes.</p> <p>4 MR. KLOPMAN: Okay. And that could happen in any</p> <p>5 neighborhood, correct?</p> <p>6 MR. HUBER: Uh-huh.</p> <p>7 MR. KLOPMAN: You have to answer, sir.</p> <p>8 MR. HUBER: Yes, it could. Yeah.</p> <p>9 MR. KLOPMAN: And you were here for the last</p> <p>10 hearing, correct?</p> <p>11 MR. HUBER: Yes. Yes, I was.</p> <p>12 MR. KLOPMAN: On March 4. And at that hearing I</p> <p>13 showed 64a, Exhibit 64a, page 4 a Planning Board staff which</p> <p>14 was a picture from the planning Board staff of Ms. Romano's</p> <p>15 house and Falconbridge Drive and Falconbridge Terrace.</p> <p>16 MR. HUBER: Uh-huh.</p> <p>17 MR. KLOPMAN: Did you see that?</p> <p>18 MR. HUBER: Yes. Yes.</p> <p>19 MR. KLOPMAN: And my questions on those days,</p> <p>20 that day, to Mr. Patel and Ms. Agresti was that this picture</p> <p>21 accurately showed the parking on Falconbridge Drive and</p> <p>22 Falconbridge Terrace in a typical day. And they said yes;</p> <p>23 do you remember that?</p> <p>24 MR. HUBER: Yes. That was in 2016.</p> <p>25 MR. KLOPMAN: Okay. They didn't -- they said</p>	<p>1 Huber.</p> <p>2 MR. KLOPMAN: Is there any way we could have</p> <p>3 some --</p> <p>4 HEARING EXAMINER ROBESON: Absolutely take some</p> <p>5 water. And you can take it up there with you.</p> <p>6 MR. KLOPMAN: Is there any way we can get some</p> <p>7 more water? I mean can we step -- can we --</p> <p>8 HEARING EXAMINER ROBESON: I think everybody has</p> <p>9 just left, but I'd be happy to get you some. We can go off</p> <p>10 the record for five minutes while --</p> <p>11 (Off the record 5:09 p.m.)</p> <p>12 (On the record 5:15 p.m.)</p> <p>13 HEARING EXAMINER ROBESON: Please raise your</p> <p>14 right hand. Do you solemnly affirm under penalties of</p> <p>15 perjury that the statement you're about to make her the</p> <p>16 truth, the whole truth, nothing but the truth?</p> <p>17 MR. DANIELLAN: I do.</p> <p>18 HEARING EXAMINER ROBESON: Okay, Mr. Chen.</p> <p>19 MR. CHEN: Okay. Sir, would you please give us</p> <p>20 your full name and address?</p> <p>21 MR. DANIELLAN: I'm Ronald Lawrence Daniellan. I</p> <p>22 live at the home address is 12605 Native Dancer Place,</p> <p>23 Torrencetown, Maryland.</p> <p>24 MR. CHEN: And what is your occupation, sir?</p> <p>25 MR. DANIELLAN: I'm a real estate agent, licensed</p>
322	324
<p>1 presently. Do you remember that?</p> <p>2 MR. HUBER: I don't.</p> <p>3 HEARING EXAMINER ROBESON: You know what. Let's</p> <p>4 move on.</p> <p>5 MR. KLOPMAN: That's all I have, Your Honor.</p> <p>6 HEARING EXAMINER ROBESON: Thank you. Mr. Chen,</p> <p>7 any redirect?</p> <p>8 MR. CHEN: I could go on, but I don't want to</p> <p>9 test the patience of the Examiner.</p> <p>10 HEARING EXAMINER ROBESON: Okay. Thank you. You</p> <p>11 may be excused, Mr. Huber.</p> <p>12 MR. HUBER: Thank you.</p> <p>13 MR. KLOPMAN: Your Honor, is Exhibit 76 -- it's</p> <p>14 in evidence, correct? That' their complaint letter? I want</p> <p>15 to make sure that's part of the record.</p> <p>16 HEARING EXAMINER ROBESON: It -- what we usually</p> <p>17 do is at the end of the hearing if there's exhibits which</p> <p>18 nobody; objected to we just admit them all at once so that</p> <p>19 nobody's --</p> <p>20 MR. CHEN: Thank you.</p> <p>21 HEARING EXAMINER ROBESON: So nobody's objecting</p> <p>22 so it will be admitted, but --</p> <p>23 MR. KLOPMAN: That's fine with me.</p> <p>24 MR. CHEN: That's fine.</p> <p>25 HEARING EXAMINER ROBESON: Okay. Thank you, Mr.</p>	<p>1 in Maryland, DC and Virginia since 2979 in Maryland, dealing</p> <p>2 in properties in Montgomery County, Carroll County,</p> <p>3 Frederick Counties all the way up to Westminster.</p> <p>4 MR. CHEN: Howard County?</p> <p>5 MR. DANIELLAN: Howard County.</p> <p>6 MR. CHEN: Okay. And Virginia and DC?</p> <p>7 MR. DANIELLAN: Yeah.</p> <p>8 MR. CHEN: And I take it your realtors services</p> <p>9 involve assisting purchasers as well sellers of residences?</p> <p>10 MR. DANIELLAN: That's correct, buyers and</p> <p>11 sellers.</p> <p>12 MR. CHEN: Okay. Exhibit number 38, sir I</p> <p>13 believe is your resume?</p> <p>14 MR. DANIELLAN: Yeah, I think it's -- if you say</p> <p>15 so. It is. I have a copy of it.</p> <p>16 MR. CHEN: You got it?</p> <p>17 MR. DANIELLAN: I have a copy of it, yeah.</p> <p>18 MR. CHEN: Okay. As I say, Madam Examiner, Mr.</p> <p>19 Daniellan's resume is Exhibit number 38 in the file.</p> <p>20 HEARING EXAMINER ROBESON: I have it.</p> <p>21 MR. KLOPMAN: I have the same objections that Mr.</p> <p>22 Chen --</p> <p>23 HEARING EXAMINER ROBESON: Oh, I knew that was</p> <p>24 coming, only that he voiced when Mr. Yanoshik testified.</p> <p>25 MR. CHEN: I haven't gotten --</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

82 (325 to 328)

<p>325</p> <p>1 HEARING EXAMINER ROBESON: Just --</p> <p>2 MR. KLOPMAN: Well --</p> <p>3 MR. CHEN: I --</p> <p>4 MR. KLOPMAN: I thought you looked at me like you</p> <p>5 wanted me to respond.</p> <p>6 MR. CHEN: No. No.</p> <p>7 MR. KLOPMAN: And that's why I responded.</p> <p>8 MR. CHEN: I haven't gone through it yet.</p> <p>9 MR. KLOPMAN: Okay.</p> <p>10 MR. CHEN: And it's not going to be the same</p> <p>11 areas --</p> <p>12 HEARING EXAMINER ROBESON: Well, let me ask, what</p> <p>13 kind of expertise --</p> <p>14 MR. CHEN: He, Mr. Daniellan has been recognized</p> <p>15 on three separate occasions by this office is having</p> <p>16 expertise has two the meaning of the words adverse economic</p> <p>17 value, is laid out in the zoning ordinance.</p> <p>18 HEARING EXAMINER ROBESON: Well, I'd have to look</p> <p>19 up of those special exception cases to -- oh, in Brandywine?</p> <p>20 MR. CHEN: Yeah. It's --</p> <p>21 HEARING EXAMINER ROBESON: Well, how does --</p> <p>22 okay. I'm going to qualify him as a realtor for now so we</p> <p>23 can move this along.</p> <p>24 MR. CHEN: Well, I'm jumping (inaudible) as well.</p> <p>25 HEARING EXAMINER ROBESON: And you can explain</p>	<p>327</p> <p>1 HEARING EXAMINER ROBESON: Something?</p> <p>2 MR. CHEN: Yeah.</p> <p>3 HEARING EXAMINER ROBESON: I thought it said --</p> <p>4 hold on.</p> <p>5 MR. CHEN: Your Honor, please tell me when you</p> <p>6 want me to (inaudible).</p> <p>7 HEARING EXAMINER ROBESON: You can go ahead.</p> <p>8 MR. KLOPMAN: Your Honor, I don't see -- I think</p> <p>9 Your Honor was saying this morning when I called Mr.</p> <p>10 Yanoshik, that you didn't see a difference -- the economic</p> <p>11 value, whether you use the zoning ordinance or not, he's not</p> <p>12 an appraiser. Okay. He doesn't know -- he's not an</p> <p>13 appraiser, he can't testify to economic value, or property</p> <p>14 values of a particular house. Property value and economic</p> <p>15 value even though they might be a nuance distinction and</p> <p>16 this milieu, there's really no practical difference between</p> <p>17 the two things. And that's really -- Mr. Yanoshik gave you</p> <p>18 his opinion based upon his experience and with his</p> <p>19 understanding of the area as to whether the granting of this</p> <p>20 conditional use would affect property values because that</p> <p>21 was where we were directed to. And I don't see any reason</p> <p>22 why Mr. Daniellan should be able to testify to anything</p> <p>23 different than that.</p> <p>24 MR. CHEN: He's taken license, and he doesn't</p> <p>25 know what he's talking about because Mr. Daniellan --</p>
<p>326</p> <p>1 what the difference is.</p> <p>2 MR. CHEN: Difference?</p> <p>3 HEARING EXAMINER ROBESON: Between a realtor as</p> <p>4 to the -- he testified in zoning cases, and conditional use</p> <p>5 cases as a real estate agent, or a realtor.</p> <p>6 MR. CHEN: He is a realtor. He has been</p> <p>7 qualified and recognized as having the professional</p> <p>8 expertise as an expert to testify as to the meaning of</p> <p>9 economic -- excuse me, adverse economic value. And that is</p> <p>10 not the same as what the gentleman that was before you this</p> <p>11 morning testified.</p> <p>12 HEARING EXAMINER ROBESON: Okay. I don't, I'm</p> <p>13 not going to let him in on that. He can testify as to</p> <p>14 whether it unduly affects property values. Okay. Under the</p> <p>15 zoning ordinance.</p> <p>16 MR. CHEN: Well, that's what I was just saying.</p> <p>17 HEARING EXAMINER ROBESON: I mean do the property</p> <p>18 values go up or down, or is there a --</p> <p>19 MR. CHEN: I'm not talking about property values.</p> <p>20 I've never -- you just mentioned, I have not -- he's, he is</p> <p>21 here to testify as to the language in the zoning ordinance</p> <p>22 as far as adverse economic value. I'm not going to ask him</p> <p>23 about property values.</p> <p>24 HEARING EXAMINER ROBESON: You mean on 731-e-1.</p> <p>25 MR. CHEN: Yeah. Yeah.</p>	<p>328</p> <p>1 MR. KLOPMAN: I'm sure he says that respectfully.</p> <p>2 MR. CHEN: -- yes. Yes. The language in the</p> <p>3 zoning ordinance, and this witness has testified three times</p> <p>4 to this language.</p> <p>5 HEARING EXAMINER ROBESON: I see that. I see</p> <p>6 that.</p> <p>7 MR. CHEN: And Mr. --</p> <p>8 MR. KLOPMAN: He's testified twice in the Tower</p> <p>9 case and --</p> <p>10 HEARING EXAMINER ROBESON: No. Just a second.</p> <p>11 MR. CHEN: He's testified as to economic --</p> <p>12 HEARING EXAMINER ROBESON: How was he admitted as</p> <p>13 an expert though? It wasn't an expert in the language of</p> <p>14 the zoning ordinance.</p> <p>15 MR. CHEN: Yes, he was. He was -- and there is a</p> <p>16 distinction between what that language has a specific --</p> <p>17 HEARING EXAMINER ROBESON: Okay.</p> <p>18 MR. CHEN: -- recognized meaning. In fact, if</p> <p>19 you want it, I'll give you a --</p> <p>20 HEARING EXAMINER ROBESON: In fact --</p> <p>21 MR. CHEN: -- a dictionary --</p> <p>22 HEARING EXAMINER ROBESON: Don't point at me.</p> <p>23 MR. CHEN: I apologize. I'll give you if you --</p> <p>24 What's your next exhibit number because I'll proffer --</p> <p>25 HEARING EXAMINER ROBESON: Well, what do you want</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

83 (329 to 332)

<p>329</p> <p>1 to show me?</p> <p>2 MR. CHEN: I'm going to give you a dictionary</p> <p>3 definition of economic value. It's not the same as property</p> <p>4 value or assessed property or what some property is going to</p> <p>5 sell for. And that's not what he's going to testify about.</p> <p>6 HEARING EXAMINER ROBESON: Why -- what is</p> <p>7 economic value? Just tell me.</p> <p>8 MR. CHEN: Well, why don't I ask Mr. Daniellan</p> <p>9 that question? That goes to his expertise that he's been</p> <p>10 recognized for. I mean, I think I'm entitled to do to show</p> <p>11 his expertise.</p> <p>12 HEARING EXAMINER ROBESON: Okay. Go -- you can</p> <p>13 ask him the question.</p> <p>14 MR. CHEN: Okay. Mr. Daniellan, can you explain</p> <p>15 to the Examiner --</p> <p>16 HEARING EXAMINER ROBESON: Has he stated his name</p> <p>17 and address for the record?</p> <p>18 MR. DANIELLAN: Yes, I --</p> <p>19 MR. CHEN: Yeah.</p> <p>20 HEARING EXAMINER ROBESON: Go ahead.</p> <p>21 MR. CHEN: And you've got his resume too.</p> <p>22 HEARING EXAMINER ROBESON: I know that. Just --</p> <p>23 okay.</p> <p>24 MR. CHEN: Thank you.</p> <p>25 HEARING EXAMINER ROBESON: Okay.</p>	<p>331</p> <p>1 MR. DANIELLAN: Once the deal goes through --</p> <p>2 HEARING EXAMINER ROBESON: Once the deal goes</p> <p>3 through.</p> <p>4 MR. DANIELLAN: That's it.</p> <p>5 HEARING EXAMINER ROBESON: Okay. I don't really</p> <p>6 see a large difference between a realtor who keeps track of</p> <p>7 prices, and what you said.</p> <p>8 MR. CHEN: I appreciate what you just said, and</p> <p>9 if that's how you, as the decision-maker interpreted it,</p> <p>10 fine. Respectfully, I think there is a distinction between</p> <p>11 the two, but again --</p> <p>12 HEARING EXAMINER ROBESON: I'll let it -- unless</p> <p>13 you want to -</p> <p>14 MR. KLOPMAN: Voir dire?</p> <p>15 HEARING EXAMINER ROBESON: Thank you.</p> <p>16 MR. KLOPMAN: I don't want to voir dire -</p> <p>17 HEARING EXAMINER ROBESON: Unless you want to</p> <p>18 voir dire -</p> <p>19 MR. KLOPMAN: I just wanted to be on the record</p> <p>20 that I called Mr. Yanoshik based upon property value, which</p> <p>21 I equated as economic value. And now I'm hearing that no</p> <p>22 matter what you -- how you describe it, if the final price</p> <p>23 of a house is the economic value, what a willing buyer and a</p> <p>24 willing seller get together --</p> <p>25 HEARING EXAMINER ROBESON: No. It's -- that's</p>
<p>330</p> <p>1 MR. CHEN: Mr. Daniellan, could you explain to</p> <p>2 the Examiner economic value?</p> <p>3 MR. DANIELLAN: The economic value is the value</p> <p>4 of the exchange of money for a house. It's the actual sold</p> <p>5 price of properties. It is not an appraisal; an appraisal</p> <p>6 is a subjective judgment on the property. And it's a term</p> <p>7 that goes way back almost to Aristotle. Dealing with the</p> <p>8 money and the exchange of money for an asset. And once that</p> <p>9 occurs --</p> <p>10 HEARING EXAMINER ROBESON: But isn't that the</p> <p>11 same -</p> <p>12 MR. DANIELLAN: -- that's the economic value.</p> <p>13 HEARING EXAMINER ROBESON: Isn't that the same as</p> <p>14 sales price?</p> <p>15 MR. DANIELLAN: No.</p> <p>16 MR. CHEN: What's the difference? Explain to the</p> <p>17 Hearing Examiner.</p> <p>18 MR. DANIELLAN: The difference in sales price is,</p> <p>19 sales price is a get on a subjective price that would be set</p> <p>20 by an agent to try to figure out where --</p> <p>21 HEARING EXAMINER ROBESON: Okay.</p> <p>22 MR. DANIELLAN: But it's subjective.</p> <p>23 HEARING EXAMINER ROBESON: Okay. How about this;</p> <p>24 isn't it the price of what -- isn't it what people pay for</p> <p>25 the house?</p>	<p>332</p> <p>1 not what he's saying. But it's close enough. The so I am</p> <p>2 going to let him in as an expert realtor. I think that's</p> <p>3 how I did it with him, and you can bring forth his knowledge</p> <p>4 in the actual sales price.</p> <p>5 MR. CHEN: Now, I have asked, and -- thank you.</p> <p>6 I appreciate that.</p> <p>7 HEARING EXAMINER ROBESON: No, you don't because</p> <p>8 you're getting ready to argue with me. I can tell it.</p> <p>9 MR. CHEN: It doesn't mean I don't respect you.</p> <p>10 The same thing with Mr. Klopman.</p> <p>11 MR. KLOPMAN: Oh yeah, the same thing.</p> <p>12 HEARING EXAMINER ROBESON: Just go ahead.</p> <p>13 MR. CHEN: But all I'm asking is that you take a</p> <p>14 look at the submission by Mr. Klopman relative to his</p> <p>15 witness and his witness' testimony. And you can take these</p> <p>16 matters and weigh them as I know you will. Thank you.</p> <p>17 HEARING EXAMINER ROBESON: Okay. So do you have</p> <p>18 a problem if I qualify him as an expert realtor?</p> <p>19 MR. KLOPMAN: Just as you did with Mr. Yanoshik.</p> <p>20 HEARING EXAMINER ROBESON: Okay.</p> <p>21 MR. KLOPMAN: You accepted him. I'm not going to</p> <p>22 go voir dire now.</p> <p>23 HEARING EXAMINER ROBESON: Okay. All right. Go</p> <p>24 ahead Mr. Chen.</p> <p>25 MR. CHEN: Okay. And what I'm going to try to do</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

84 (333 to 336)

<p>333</p> <p>1 for the benefit of all parties is truncate this examination 2 and cut it as tight as I can. Okay, Mr. Daniellan, what is 3 the relevance, sir, the economic value to conditional use 4 applications? 5 MR. DANIELLAN: Well, let me -- 6 MR. KLOPMAN: Well, wait. Hold on a second, Your 7 Honor. He's a realtor, why should he be able to testify 8 about conditional use applications? 9 HEARING EXAMINER ROBESON: Because he's testified 10 as an expert in several -- 11 MR. KLOPMAN: Three. 12 HEARING EXAMINER ROBESON: Well, that's enough to 13 make him an expert. 14 MR. KLOPMAN: Aren't. I'm sorry. (inaudible). 15 HEARING EXAMINER ROBESON: And was a doozy, so go 16 ahead. 17 MR. CHEN: Yes, it was. 18 MR. DANIELLAN: Can you repeat the question? 19 MR. CHEN: Yeah. What is the relevance of 20 economic value to conditional use applications? 21 MR. DANIELLAN: The relevance is that with regard 22 to conditional uses it's determined that if there's an 23 adverse effect on the economic value of a property that's 24 one of the conditions under which the rules and the losses 25 that you can argue the case that there is an economic value</p>	<p>335</p> <p>1 explain to the Hearing Examiner your background and 2 familiarity with this area? 3 MR. DANIELLAN: All right. 4 MR. CHEN: And I understand you can go on on this 5 but try given the hour -- 6 MR. DANIELLAN: I live in Fox Hills Green, which 7 is the first development of (inaudible) in Potomac Chase 8 that was built, and it's 158 homes. 9 MR. CHEN: That's off of Jones Lane? 10 MR. DANIELLAN: That's off of Jones Lane. 11 MR. CHEN: Right next to it. 12 MR. DANIELLAN: It's just south. 13 HEARING EXAMINER ROBESON: Okay. 14 MR. DANIELLAN: All right. And the next one up, 15 three or four years later, they had an argument with the 16 County, but they went ahead and was able to go ahead and 17 develop that land to because they had dibs on it. 18 HEARING EXAMINER ROBESON: Okay. 19 MR. DANIELLAN: And so basically -- 20 MR. CHEN: And what did that become? 21 MR. DANIELLAN: And that became Fox Hills North. 22 HEARING EXAMINER ROBESON: Okay. 23 MR. DANIELLAN: The foundations are generally the 24 same. The same size, you know, the same box, and in their 25 different series, their lower-priced series, their middle</p>
<p>334</p> <p>1 difference, and it makes a difference, and it affects the 2 property. 3 MR. CHEN: On nearby properties? 4 MR. DANIELLAN: On nearby -- abutting and 5 confronting property. 6 MR. CHEN: Okay. And in this context, sir, what 7 is economic value? 8 MR. DANIELLAN: In this context it said the exact 9 sold price; what happens at the end of the transaction when 10 the money is transferred across the table and the deed 11 transfers the other way, that's the value of the property to 12 each individual in the deal. 13 MR. CHEN: Okay. 14 MR. DANIELLAN: And it goes way back in history. 15 MR. CHEN: Okay. What, if any factors are taken 16 into consideration in determining the amount that a 17 potential purchaser would pay for a residence? 18 MR. DANIELLAN: Well, you have to look at the 19 residences in terms of the equal size of the building. You 20 can't compare a 5000 square-foot house with a 2000 square 21 foot house. 22 MR. CHEN: Now, are you familiar with the Fox 23 Hills North subdivision area? 24 MR. DANIELLAN: Yes, I am. 25 MR. CHEN: Okay. Could you, fairly briefly</p>	<p>336</p> <p>1 series, their high-priced series. 2 MR. CHEN: Are the two subdivisions the same type 3 of subdivisions? 4 MR. DANIELLAN: One is -- the zoning on it is 5 10,000 square foot average for the lots, that's Fox Hills 6 North. 7 MR. CHEN: Is that a cluster? 8 MR. DANIELLAN: That was under cluster. 9 HEARING EXAMINER ROBESON: Oh. 10 MR. DANIELLAN: And Fox Hills Green was under 11 mainly the rural which would be an average of 15 at the 12 time, 15,000 square feet. The houses Fox Hills Green are 45 13 feet from the street with 20, 25 feet between (inaudible), 14 either side. In other words the total for either side 15 amounts to 25 feet each. And in Fox Hills North the houses 16 are 25 feet from the street, and it is the normal, I believe 17 it's 12 or 13 one side one, and then the other takes up the 18 difference. 19 MR. CHEN: That's because it's a cluster 20 development? 21 MR. DANIELLAN: Because it's a cluster 22 development; that's correct. 23 MR. CHEN: Okay. Now what is your experience in 24 sales in this general area, including Fox Hills North? 25 MR. DANIELLAN: Well, Fox Hills North I've had</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

85 (337 to 340)

<p>337</p> <p>1 five sales which I think in my resume I detailed which ones 2 they were, at least the addresses of them. In Fox Hills 3 Green I've had 14 sales and/or listings. Representing 4 buyers or the sellers.</p> <p>5 MR. CHEN: And are there negative factors 6 involved in properties that are for sale?</p> <p>7 MR. DANIELLAN: Yes. It depends on the 8 surroundings to the property. It depends on the properties 9 themselves. It depends on size. There are negative factors 10 that can affect the property drastically such as a cell 11 tower will affect the property, right next to the house. 12 And that there are some that won't have as much of an effect 13 but will have an effect.</p> <p>14 MR. CHEN: What are those? Give us some 15 examples.</p> <p>16 MR. DANIELLAN: One example that I can -- that 17 I've lived through in Fox Hills Green was on Native Dancer 18 Court. And there are a series of very nice houses on that 19 court and at the top of the court there is a large building 20 which looks like one of the large houses. And in fact, it 21 is not one of the large houses. It is a -- four townhouses. 22 They were sections, four townhouses.</p> <p>23 MR. CHEN: A quadraplex?</p> <p>24 MR. DANIELLAN: A quadraplex. You can call it 25 that. And what ends up happening is -- and it affects the</p>	<p>339</p> <p>1 do present a problem sometimes because they shove the house 2 back on the lot and leaves very little back yard. But what 3 ends up happening is that one sells for 288. This one sold 4 for 264.</p> <p>5 MR. CHEN: Okay.</p> <p>6 MR. DANIELLAN: And we would have people coming 7 up to the one at number 17 and they would say, well, what's 8 going on over there? What is that? And we would say, well, 9 it's building that has four units in it. And they would say 10 we don't want to live next to that and that's it; they would 11 walk out.</p> <p>12 MR. CHEN: And have you reviewed the yoga 13 application that's before the Examiner in this case?</p> <p>14 MR. DANIELLAN: Yes. And listened to the 15 testimony.</p> <p>16 MR. CHEN: Okay. And have you heard the 17 testimony relative to parking of vehicles for the students/ 18 MR. DANIELLAN: Yes.</p> <p>19 MR. CHEN: Okay. What is your understanding of 20 where that parking is going to be under this application?</p> <p>21 MR. DANIELLAN: That some of it will be in the 22 driveway, and some of it will be on the street.</p> <p>23 MR. CHEN: And have you considered the hours and 24 days of the Romano yoga studio operations?</p> <p>25 MR. DANIELLAN: Yes. And generally speaking,</p>
<p>338</p> <p>1 houses on that street. I had the fortune to list the house 2 right next to one of those, number 17, and it took 133 days 3 to sell, to get a bid on the house. We had to lower the 4 price.</p> <p>5 MR. CHEN: Why is that?</p> <p>6 MR. DANIELLAN: Because every time somebody came 7 up, certainly on weekends, or toward the later afternoons, 8 there would be 8, 10, 12, cars parked out there in the cul- 9 de-sac. And they wonder, what is that.</p> <p>10 MR. CHEN: Would it be in the cul-de-sac proper 11 or on driveways, or both?</p> <p>12 MR. DANIELLAN: No, no, no. It's the whole front 13 splay of the unit.</p> <p>14 MR. CHEN: Okay. And when you say the unit what 15 unit?</p> <p>16 MR. DANIELLAN: The quad unit.</p> <p>17 MR. CHEN: Okay. Okay. And what is the 18 significance of that, sir? Or what was the significance of 19 that?</p> <p>20 MR. DANIELLAN: Well, the significance was that 21 it took 113 days to sell the property, to get a contract on 22 the property. We had to lower the price in the same year 23 that two other properties were up for sale, which I also 24 happened to have listed. And one of them was number 1, at 25 the very end of the street, it's a corner lot and corner lot</p>	<p>340</p> <p>1 those are hours of that agents would be showing houses, 2 especially in the spring and the summer. The lockboxes work 3 from 8:00 in the morning until 10:00 at night and while 4 people don't usually go into houses very, very late, I've 5 gone and showed people property all the way up until 9:00 at 6 night, and early in the morning. So generally speaking, the 7 daytime.</p> <p>8 MR. CHEN: In this particular case, do you have 9 an opinion as to whether or not there's a correlation 10 between the proposed days and hours of operation of the yoga 11 operations, and the services of a realtor, such as yourself, 12 and assisting prospective purchasers of homes in the Fox 13 Hills North subdivision?</p> <p>14 MR. DANIELLAN: I would expect that it will have 15 the same effect on the property values.</p> <p>16 MR. CHEN: What do you mean by that?</p> <p>17 MR. DANIELLAN: As has occurred in Fox Hills 18 Green, because you've got a situation where you're going to 19 have a lot of cars that are parked on -- from what I hear 20 from the testimony, and have seen from some of the pictures 21 they have cars parked on the street, cars parked around the 22 corner, on a more narrow street around the corner there and 23 the effect is going to be that you are going to have for 24 houses that are abutting and confronting the same kinds of 25 questions come up.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

86 (341 to 344)

<p>341</p> <p>1 MR. CHEN: What is the significance of those 2 questions in this particular case? 3 MR. DANIELLAN: They will want to know what's 4 going on. 5 MR. CHEN: Okay. 6 MR. DANIELLAN: And if an agent knows, are you 7 done your homework, you can Google what might be there, if 8 there's a business, there is a business there. And it's a 9 major business. Or it would be a major business with 20 10 cars. 11 MR. CHEN: And what is the significance of that 12 with regard to showing prospective purchasers a home for 13 sale that would be abutting, contiguous, or nearby? 14 MR. DANIELLAN: I think that abutting and 15 confronting you certainly would have an effect on the 16 properties. Where people might say what's going on over 17 there? What's happening? And you will cut down 18 substantially the number of people who will want to actually 19 continue to even go through the house. 20 MR. CHEN: And what's the ultimate result of that 21 type of situation? 22 MR. DANIELLAN: The house will either remain on 23 the -- it will probably remain on the market a little bit 24 longer, and in some cases a lot longer, 113 in my case, then 25 it would have.</p>	<p>343</p> <p>1 MR. DANIELLAN: A large building. 2 MR. KLOPMAN: A large building, correct? 3 MR. DANIELLAN: Yeah. 4 MR. KLOPMAN: Off -- across from Bullis High 5 School? 6 MR. DANIELLAN: Down from Bullis High School. 7 MR. KLOPMAN: But near it, in close proximity? 8 MR. DANIELLAN: In close proximity. 9 MR. KLOPMAN: Okay. You never testified 10 regarding any -- regarding a yoga studio; is that correct? 11 MR. DANIELLAN: No, I have not. 12 MR. KLOPMAN: Okay. And in the three cases that 13 you've testified they were all for Mr. Chen; is that 14 correct? 15 MR. DANIELLAN: That is correct. 16 MR. KLOPMAN: Okay. And in all three cases you 17 testified that the proposed use would negatively affect 18 property values, or economic values, whatever nuanced way 19 you want to look at it, but essentially that it would affect 20 property values negatively, correct? 21 MR. DANIELLAN: That's correct. 22 MR. KLOPMAN: In all three? And in one of the 23 cases the judge, or the hearing examiner didn't accept your 24 testimony as to -- because it was speculative; isn't that 25 true?</p>
<p>342</p> <p>1 MR. CHEN: And what does that mean? 2 MR. DANIELLAN: It means that the longer the 3 houses on the market lower the price it gets. 4 MR. CHEN: Okay. 5 MR. DANIELLAN: And that should generally 6 speaking, what happens in real estate. 7 MR. CHEN: Okay. And how does that phenomenon 8 correlate to the notion of adverse economic value? 9 MR. DANIELLAN: Well, that's going to affect the 10 direct -- I mean to say it affected the economic value of 11 number 17, it's going to affect the economic value of any 12 property that you look at house, for house, size for size. 13 MR. CHEN: Okay. Particularly those that are 14 abutting and confronting? 15 MR. DANIELLAN: That's correct. 16 MR. CHEN: I have no further questions. 17 HEARING EXAMINER ROBESON: Mr. Klopman? 18 MR. KLOPMAN: Thank you. I just want to make the 19 record clear, you're not an appraiser, correct? 20 MR. DANIELLAN: No sir, I'm not. 21 MR. KLOPMAN: Okay. And you've testified three 22 other times in this setting; is that correct? 23 MR. DANIELLAN: Yeah. Well, yes. 24 MR. KLOPMAN: Two involved towers, and one 25 involved a nursing home; is that correct?</p>	<p>344</p> <p>1 MR. CHEN: Objection. 2 MR. KLOPMAN: In the Brandywine case. 3 MR. CHEN: Objection. 4 HEARING EXAMINER ROBESON: The Brandywine case 5 speaks for itself. I'm not going to ask him to characterize 6 it. 7 MR. KLOPMAN: Okay. I read some of it and I 8 certainly don't go there. 9 HEARING EXAMINER ROBESON: Well, it's long. 10 MR. KLOPMAN: And the reason you testified -- you 11 testified in those cases or -- and in this case too, is 12 because you think a prospective buyer won't like that there 13 are -- won't like that there is this use in being -- this 14 yoga studio essentially? 15 MR. DANIELLAN: Well, as to the effects of it on 16 the environment of the house. 17 MR. KLOPMAN: But it's essentially because the 18 prospective buyers wouldn't like it, correct? 19 MR. DANIELLAN: Oh yeah. 20 MR. KLOPMAN: Okay. I mean you've testified in 21 the Brandywine - -I have your testimony here. 22 MR. DANIELLAN: Oh, yes, absolutely. 23 MR. KLOPMAN: Is that that's the driving force of 24 your testimony. 25 MR. DANIELLAN: Yeah.</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

87 (345 to 348)

<p>345</p> <p>1 MR. KLOPMAN: Is that a prospective buyer 2 wouldn't like the yoga studio being conducted there? 3 MR. DANIELLAN: That's correct. 4 MR. KLOPMAN: Okay. 5 MR. DANIELLAN: I'm not -- 6 MR. KLOPMAN: Now, you understand that -- 7 HEARING EXAMINER ROBESON: Just a second. 8 MR. DANIELLAN: They don't want a major business 9 next to them. 10 MR. KLOPMAN: Now, you understand though, you've 11 said you were here last time the whole day on March 4th, 12 correct? 13 MR. DANIELLAN: Right. 14 MR. KLOPMAN: And you've been her the whole day 15 today, correct? 16 MR. DANIELLAN: Well, not the whole day, excuse 17 me. On the 4th, I left at 4:00 when they didn't -- 18 MR. KLOPMAN: Oh. Okay. All right. Well, you 19 missed the best part. But the classes are Mondays, 20 Wednesdays, and Fridays for an hour and 15 minutes in the 21 morning. You understand that, right? 22 MR. DANIELLAN: That's correct. 23 MR. KLOPMAN: Okay. And you understand that she 24 already has a minor home occupation, which she's allowed to 25 have five -- up to five people in her home to -- for a yoga</p>	<p>347</p> <p>1 indicated earlier in your testimony that you though there 2 would be 20 cars there. Okay. You did refer, was that a 3 mistake on your part? 4 MR. DANIELLAN: Yeah, I guess it was. 5 MR. CHEN: Objection. Objection. 6 HEARING EXAMINER ROBESON: Just stop. Go ahead 7 Mr. Chen. 8 MR. CHEN: He never indicated 20 cars at this 9 location; at the get yoga studio. He was describing -- 10 HEARING EXAMINER ROBESON: He mentioned it in his 11 testimony. 12 MR. CHEN: As to the other experience he had. 13 MR. KLOPMAN: No, no. No. 14 HEARING EXAMINER ROBESON: Okay. I'm not going 15 to argue about the -- Mr. -- do you recognize that it's up 16 to 10? 17 MR. DANIELLAN: It is. 18 MR. CHEN: He just said that. 19 MR. DANIELLAN: I mean in his letter it's up to 20 10. 21 HEARING EXAMINER ROBESON: Okay. All right. 22 MR. KLOPMAN: Now, this neighborhood, you're 23 familiar with because you live -- you have lived in this 24 general area, Native Dancer is in the -- you said is the 25 next area -- next subdivision over. And in fact, there are</p>
<p>346</p> <p>1 class. You understand that, right? 2 MR. DANIELLAN: I understand that. 3 MR. KLOPMAN: Okay. And your testimony is that 4 if -- well, strike that. You've also heard that most of the 5 time from the people that have gone to these classes that 6 there are a couple more than -- there have been a couple 7 more than five, so one or two more; you understand that too, 8 right? 9 MR. DANIELLAN: Yes. 10 MR. KLOPMAN: Okay. Thank you. And the other 11 classes -- the other classes that are not on Mondays, 12 Wednesdays, and Fridays in the morning for an hour and 15 13 minutes, is Saturday morning at a similar time in the 14 morning; I think it's -- I'm losing it. It's late; 8:45, 15 9:00 for an hour and 15 minutes; you understand that too? 16 MR. DANIELLAN: Yes. 17 MR. KLOPMAN: And then there's two classes, one 18 Thursday late afternoon, and one Monday night, right? 19 MR. DANIELLAN: Right. 20 MR. KLOPMAN: Six times a week there will be one 21 or two more cars at -- for these yoga classes. That's what 22 your undemanding of it is, correct? 23 MR. DANIELLAN: My understanding is that the 24 maximum of 10. 25 MR. KLOPMAN: A maximum of 10, right. But you</p>	<p>348</p> <p>1 ways to get to your subdivision through Fox Hills North? 2 MR. DANIELLAN: That's right. 3 MR. KLOPMAN: And there are roads in your 4 subdivision that also lead to Jones Lane, correct? 5 MR. DANIELLAN: Yeah. 6 MR. KLOPMAN: And there are roads in Jones -- in 7 the Fox Hills North subdivision that go along to Triple 8 Crown out to Route 20 -- out to Quince Orchard Road, 9 correct? 10 MR. DANIELLAN: That's right. 11 MR. KLOPMAN: And so there's ways to go in and 12 out of Quince Orchard -- out of Fox Hills North to Quince 13 Orchard Road and there's ways to go from Fox Hills North 14 through Triple -- through Triple Crown into Fox Hills Green 15 and then onto Jones Lane; you understand that? 16 HEARING EXAMINER ROBESON: Is there a point to 17 this? 18 MR. KLOPMAN: I'm just trying to set the scene as 19 to the access. We were talking about access before. I'm 20 getting there, Your Honor. So what -- I guess what I was 21 trying to get to was -- is that this is a -- these are 22 both -- these developments have bene around since the '80s 23 and -- 24 MR. DANIELLAN: '79 for (inaudible). 25 MR. KLOPMAN: And the '80s. And the people --</p>



Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

88 (349 to 352)

<p>349</p> <p>1 the original owners that have lived there, some of them are 2 retiring. 3 MR. DANIELLAN: I haven't retired. 4 MR. KLOPMAN: Well, or they're moving or they're 5 changing their lifestyle and new people are coming in to buy 6 these houses, correct? 7 MR. DANIELLAN: Yes, they are. Yes, it's turning 8 over. 9 MR. KLOPMAN: There's turnover and there are 10 younger people that are coming in? 11 MR. DANIELLAN: Yes. 12 MR. KLOPMAN: And you would agree that a lot of 13 younger people, they like yoga; you would agree with that 14 wouldn't you? 15 MR. DANIELLAN: Yes. 16 MR. KLOPMAN: And if they like yoga and they were 17 not adverse to walking to a yoga studio in the neighborhood, 18 that would be a positive for them, correct? 19 MR. DANIELLAN: It very well might be. 20 MR. KLOPMAN: Okay. And so if they found out 21 that there was a yoga studio in the neighborhood, these new 22 younger people with families, and they knew that they could 23 walk, or drive a short distance to a yoga studio, and park 24 in the driveway, and a couple of spots on the street on 25 Falconbridge Drive and in a couple of spots on Falconbridge</p>	<p>351</p> <p>1 MR. CHEN: Well, you caught it. I did object and 2 that was the basis for the objection. 3 HEARING EXAMINER ROBESON: Okay. Do you -- I 4 think that you can -- I get your point. Your point is it 5 might increase -- 6 MR. KLOPMAN: Right. It's just as likely that 7 somebody would like it as the areas that somebody might not, 8 correct? 9 MR. CHEN: Objection. 10 HEARING EXAMINER ROBESON: That -- 11 MR. CHEN: I don't know where we are in this. 12 There's not a question to this witness. I think I 13 understand an argument, but it certainly should not be 14 treated as evidence, or testimony. 15 HEARING EXAMINER ROBESON: That's true. It's the 16 just as likely. You can answer him, is it, you know, you 17 can say could this have a benefit for some people? How many 18 times? 19 MR. KLOPMAN: You would agree that the yoga 20 studio could be a benefit to a prospective buyer, correct? 21 MR. DANIELLAN: A yoga studio might be, yes. 22 MR. KLOPMAN: And you're familiar with Kentlands 23 and -- 24 MR. DANIELLAN: Yeah. 25 MR. KLOPMAN: And with Lakelands and Crown;</p>
<p>350</p> <p>1 Terrace; that might be attractive to them, correct? 2 MR. CHEN: Objection. It's not relevant to what 3 is going on here. This is -- that -- 4 HEARING EXAMINER ROBESON: He -- it is. I'm 5 going to let him answer. 6 MR. KLOPMAN: Right. You agree with that, right? 7 MR. DANIELLAN: Some people might. Some people 8 might not. But still (inaudible). 9 MR. KLOPMAN: But younger people -- 10 HEARING EXAMINER ROBESON: Just a second let 11 me -- let him finish. 12 MR. DANIELLAN: They might object to it. 13 MR. KLOPMAN: Okay. But -- 14 MR. DANIELLAN: And the ones that object are 15 going to walk out. 16 MR. KLOPMAN: But the ones that like it will be 17 fine with it, correct? Just as you said? 18 MR. DANIELLAN: Yes, but as it takes longer to 19 sell the house, you're going to have a lower price. 20 MR. KLOPMAN: Well, you're speculating. That's 21 pure speculation on your part. 22 MR. CHEN: Objection. 23 HEARING EXAMINER ROBESON: That's argumentative. 24 Okay. Stop. Just stop. Okay. Did you have an objection, 25 Mr. --</p>	<p>352</p> <p>1 you're familiar with that, right? With those developments? 2 And those are mixed use developments; aren't they? 3 MR. DANIELLAN: Yes. They (inaudible) lot lines. 4 MR. KLOPMAN: And there are lots of young people 5 moving into those developments, you would agree? 6 MR. CHEN: Objection. 7 MR. KLOPMAN: Well because -- 8 HEARING EXAMINER ROBESON: He didn't raise 9 Kentlands or anything else. 10 MR. KLOPMAN: Yeah, but the point of it is that 11 I'm getting -- 12 HEARING EXAMINER ROBESON: I know the point you 13 want to make. But that's not where -- that's beyond the 14 scope of what he testified to. 15 MR. KLOPMAN: Well, Your Honor I would 16 respectfully say this is cross-examination and he's talking 17 about lots of cars and we're talking about today's real 18 estate environment, and we know that these developments are 19 out there, that people -- 20 HEARING EXAMINER ROBESON: Well, ask your 21 question in a way that it's relevant to this case. 22 MR. KLOPMAN: You're familiar with those 23 communities, correct? 24 MR. DANIELLAN: Yeah. 25 MR. KLOPMAN: And people are moving into those</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

89 (353 to 356)

<p>353</p> <p>1 communities because they like walking, they like, and the 2 accessibility does something like a yoga studio? 3 MR. DANIELLAN: For whatever reason, right. 4 HEARING EXAMINER ROBESON: Wait. You said for 5 whatever reason. 6 MR. DANIELLAN: Yeah, I mean people might like 7 zero lot lines. A lot don't. 8 MR. KLOPMAN: Okay. And of the home values, the 9 economic values of those developments are going up, correct? 10 MR. DANIELLAN: Not necessarily. 11 MR. KLOPMAN: Okay. 12 MR. DANIELLAN: I'm serious. 13 MR. KLOPMAN: They keep building them though, 14 don't they? 15 MR. DANIELLAN: Yeah, but not as much new 16 building encampments anymore. 17 MR. KLOPMAN: So as I understand your testimony, 18 if somebody had a book club, or a Bible study class and that 19 they held in their neighborhood -- 20 MR. DANIELLAN: With how many cars? 21 MR. KLOPMAN: With 5 or 10 -- with 7 cars. Okay. 22 If somebody came and found out there was a Bible study 23 class, and there were 7 cars; is it your testimony that that 24 would negatively, adversely affect -- 25 HEARING EXAMINER ROBESON: Just -- okay. Just</p>	<p>355</p> <p>1 MR. KLOPMAN: So the fact that there are cars 2 outside a residence, because they have a book club, or a 3 Bible study or something; is it your testimony that that 4 would also negatively affect property values? 5 MR. DANIELLAN: Five or six days a week? 6 MR. KLOPMAN: Yeah. 7 MR. DANIELLAN: Yes. 8 MR. KLOPMAN: For an hour. For an hour a day. 9 MR. DANIELLAN: Twice a day? 10 MR. KLOPMAN: No, twice a day only on Mondays, 11 Mr. Daniellan. Twice a day only on Mondays. It's not twice 12 a day. It's once a day five days, four days and -- 13 HEARING EXAMINER ROBESON: Six days. 14 MR. KLOPMAN: -- and twice a day on one day. 15 MR. CHEN: Is this a commercial use he's talking 16 about, or a residential use? 17 MR. KLOPMAN: I'm talking about this use. 18 MR. CHEN: Well, if he's talking about this use 19 then he's -- 20 HEARING EXAMINER ROBESON: Well, ask him about 21 this use. 22 MR. DANIELLAN: That many cars it's a -- 23 MR. KLOPMAN: I'm talking about the use for -- 24 your testimony is you're saying that if Ms. Romano has one 25 or two, up to five more cars on her property for a yoga</p>
<p>354</p> <p>1 stop for a minute. 2 MR. CHEN: Objection. It's not an analogous 3 situation unless he's saying it's a commercial use. Unless 4 it's a commercial -- we're not talking about graduation 5 parties, were not talking about a wedding for daughter on 6 the property, were not talking about, you know -- 7 HEARING EXAMINER ROBESON: Well, you can bring 8 that up on -- you're saying because it's a regular -- the 9 yoga studio is a more frequent possibly? 10 MR. CHEN: No. 11 HEARING EXAMINER ROBESON: No. 12 MR. CHEN: No, the testimony was; is that the use 13 that the public would know about was not -- it's not cars. 14 We're not complaining about cars. 15 HEARING EXAMINER ROBESON: Well, I did think 16 that's what he said -- 17 MR. CHEN: Okay. We're saying -- 18 HEARING EXAMINER ROBESON: -- on number 17. 19 MR. CHEN: Well, that was on that example that he 20 had, was that when people see vehicles, they ask what's 21 going on. And his testimony was that in this particular 22 case when they find out that there's a business in there 23 that that is going to be a factor and turn people off. 24 HEARING EXAMINER ROBESON: Well, I'm going to let 25 him ask it, and you can follow up on redirect.</p>	<p>356</p> <p>1 class somebody might see that -- see those cars and say 2 hey, -- they might say they like it or they might say they 3 don't like it; that's what your testimony is? 4 MR. CHEN: Objection. That was not his 5 testimony. His testimony -- 6 HEARING EXAMINER ROBESON: Well -- 7 MR. CHEN: Pardon me. His testimony is very 8 clear that they were informed that there is a business at 9 that location. And that the reaction was that the number of 10 cars is something that causes a question to be made. And 11 when the answer is it's a business that is when the adverse 12 impact is. 13 HEARING EXAMINER ROBESON: Well, if that was his 14 testimony, he can say that. So go ahead Mr. -- 15 MR. CHEN: It's a business. 16 MR. KLOPMAN: Well, I've asked it. I'm asking 17 you if there were up to five more cars because she already 18 has the minor occupation certificate that allows five people 19 to come to her classes; you understand that, right? 20 MR. DANIELLAN: Yeah. 21 MR. KLOPMAN: And your testimony is that if she 22 has up to five more cars -- 23 MR. DANIELLAN: All right. And where are they 24 parking? 25 MR. KLOPMAN: And they're parking on her street</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

90 (357 to 360)

<p>357</p> <p>1 on her property line. Your testimony is that that those 2 additional cars, if they are for a yoga studio, if somebody 3 likes that yoga studio -- 4 HEARING EXAMINER ROBESON: Now it -- okay. 5 MR. KLOPMAN: But that's the point. 6 HEARING EXAMINER ROBESON: Go ahead -- if 7 somebody likes it -- 8 MR. DANIELLAN: It's not that it's a yoga studio. 9 Anybody could have -- you could be a plumber and have your 10 cars coming up. And what happens is it creates a question. 11 What's it going on? 12 MR. KLOPMAN: But if it's a yoga studio; here 13 we're dealing with a yoga studio. This case -- you 14 understand that, correct? This is a yoga studio. 15 HEARING EXAMINER ROBESON: He does -- you 16 understand that? 17 MR. DANIELLAN: Of course I understand it. 18 MR. KLOPMAN: Okay. You understand that. And I 19 just want to make it clear that you were just speculating 20 that -- 21 MR. DANIELLAN: No, I'm not speculating. 22 HEARING EXAMINER ROBESON: No, you tried that 23 already. 24 MR. KLOPMAN: Okay. 25 HEARING EXAMINER ROBESON: The question is this;</p>	<p>359</p> <p>1 MR. DANIELLAN: Anything could happen. 2 MR. KLOPMAN: That's right. That's right. 3 HEARING EXAMINER ROBESON: In your opinion would 4 it be a probable? 5 MR. DANIELLAN: In my opinion, no. 6 MR. KLOPMAN: That's all the questions I have. 7 HEARING EXAMINER ROBESON: Okay. Thank you. You 8 may be excused. 9 MR. CHEN: Well, wait a minute. We've got 10 rebuttal still and if the gentleman's going to be recalled I 11 want to -- 12 MR. KLOPMAN: I'm not calling Mr. Yanoshik. 13 MR. CHEN: Okay. Fine. 14 HEARING EXAMINER ROBESON: Okay. 15 MR. KLOPMAN: I (inaudible) get on the phone at 16 8:30, you know, Mr. Yanoshik, get back here. 17 MR. CHEN: Madam Examiner, my next witness is Mr. 18 Davis. I object if I have to put on Mr. Davis tonight and 19 he's not finished until another day. I'm willing to sit 20 here until 12:00 or until he's done and Mr. Klopman -- 21 HEARING EXAMINER ROBESON: How much rebuttal do 22 you think you'll have? 23 MR. KLOPMAN: At most half an hour. 24 HEARING EXAMINER ROBESON: At most a half hour? 25 MR. CHEN: I will tell you that I've asked Mr.</p>
<p>358</p> <p>1 and I'm not going to let you keep answer -- or keep asking 2 it to him. The question is -- his question, I believe, is; 3 is the jump in additional cars from 5 to 10 cars for a yoga 4 studio going to have an adverse impact? 5 MR. DANIELLAN: I say yes. 6 HEARING EXAMINER ROBESON: Okay. 7 MR. KLOPMAN: And that's only because you 8 think -- I'm just going to ask this last question. It could 9 equally have a positive effective if the prospective buyers 10 like yoga, like the fact that there's a yoga studio that 11 they can walk to or that's in close proximity to their -- to 12 wherever they're looking to buy in the neighborhood, 13 correct? 14 MR. DANIELLAN: A positive effect on what? 15 MR. KLOPMAN: On them -- 16 MR. DANIELLAN: On them buying it or on the price 17 for the house? 18 MR. KLOPMAN: Both. 19 MR. DANIELLAN: No. 20 MR. KLOPMAN: It could certainly have, if they 21 are interested in -- if they like yoga, correct, and if they 22 like the fact that it's in the neighborhood -- 23 MR. DANIELLAN: They might overpay for the house? 24 MR. KLOPMAN: Yes. That could happen, couldn't 25 it?</p>	<p>360</p> <p>1 Davis questions because he's going to be a witness. And I 2 think it's realistic to expect that his testimony will be 3 two hours. 4 HEARING EXAMINER ROBESON: Well, you're the one 5 that said go as long as you want. 6 MR. CHEN: I'm willing to go as long as you want 7 but -- 8 HEARING EXAMINER ROBESON: Do you have a position 9 on this? 10 MR. KLOPMAN: I want to get it over with, Your 11 Honor so, you know, if you want to go, I'll go. If you want 12 to go -- I don't know what's the soonest you could 13 reconvene? 14 HEARING EXAMINER ROBESON: I can -- well I have a 15 County Council hearing tomorrow. I could reconvene -- you 16 know what, I brought my keys, but I didn't bring my 17 calendar. Let me go get my calendar. 18 MR. KLOPMAN: And then if I -- it maybe I think 19 about Mr. Yanoshik. Maybe I will call him in rebuttal, I 20 don't know. 21 MR. CHEN: (inaudible) the fastest state you 22 could give us? 23 HEARING EXAMINER ROBESON: I think it's -- 24 tomorrow is Tuesday. I have a hearing in the evening on 25 Wednesday. If we could make it through before I have to</p>

Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

91 (361 to 364)

<p>361</p> <p>1 be -- do that. Let me go get my calendar. 2 (Off the record) 3 (On the record) 4 HEARING EXAMINER ROBESON: Okay. I could do 5 tomorrow afternoon. I just have to leave the morning open. 6 The County Council -- it's item 4A. 7 MR. CHEN: Is Mr. Klopman available? 8 HEARING EXAMINER ROBESON: So I could do tomorrow 9 afternoon. Wednesday, the Board of Appeals is here. So I 10 could do tomorrow afternoon if you want to start. I can't 11 imagine they would go beyond -- let me just look up the 12 agenda items. 13 MR. KLOPMAN: (inaudible) tomorrow (inaudible). 14 MR. CHEN: I think it's to give me an award. 15 HEARING EXAMINER ROBESON: Huh? 16 MR. CHEN: I think it's to give me an award in 17 the morning. 18 MR. KLOPMAN: Are there any other alternatives? 19 I could probably do tomorrow afternoon. 20 HEARING EXAMINER ROBESON: I just want to check 21 the agenda item. What I have is not controversial, but you 22 don't always know. 23 MR. CHEN: Well, even if we had to adjourn -- 24 HEARING EXAMINER ROBESON: Huh? 25 MR. CHEN: Even if we had to adjourn while</p>	<p>363</p> <p>1 that's enough time? 2 MR. CHEN: Yeah. 3 HEARING EXAMINER ROBESON: Because I can start at 4 noon and everybody can have lunch early. 5 MR. KLOPMAN: I can do either one. 6 MR. CHEN: How about 12:30? I'm just saying 7 because I haven't been in the office and I don't know what's 8 on my -- 9 HEARING EXAMINER ROBESON: Oh, you've got to 10 catch up on phone calls and all that kind of stuff. 11 MR. CHEN: Well, I hope there's a phone call 12 there for me. 13 MR. KLOPMAN: I appreciate that too. 14 HEARING EXAMINER ROBESON: Okay. So well, okay. 15 You only have one more witness. Okay. I'll set it for 16 1:00. 17 MR. CHEN: No, set it for 12:30. 12:30 is fine. 18 HEARING EXAMINER ROBESON: 12:30? 19 MR. KLOPMAN: Yeah. 20 MR. CHEN: That's why I said 12:30. 21 MR. KLOPMAN: I agree. I agree. 22 HEARING EXAMINER ROBESON: Okay. I just didn't 23 want to be the cause of -- so if that's okay with you we 24 will -- is that okay with your witness? 25 MR. CHEN: I'm just checking. I'm sure it is.</p>
<p>362</p> <p>1 you're -- 2 MR. KLOPMAN: Well, I'd rather -- rather get it 3 over with. 4 MR. CHEN: I'm -- I appreciate that. 5 HEARING EXAMINER ROBESON: I know. I know. 6 MR. KLOPMAN: I don't want to have to do it three 7 times. 8 MR. CHEN: Yeah. 9 HEARING EXAMINER ROBESON: Okay. My item is at 10 10:15. I really don't think it's going to take that long so 11 we could -- 12 MR. CHEN: Is it the award for me? 13 HEARING EXAMINER ROBESON: No. Nope. I really 14 don't think it's going to take that long because it's 15 unopposed. So -- 16 MR. KLOPMAN: Fine, any time. 17 HEARING EXAMINER ROBESON: I was trying to -- 18 I -- to be honest I would prefer to -- I have to prepare 19 still after this for the council hearing tomorrow morning. 20 So it would be preferable for me, but I wanted to try and 21 accommodate you guys because your application's been 22 pending. 23 MR. CHEN: I could do it tomorrow afternoon at 24 1:00. 25 HEARING EXAMINER ROBESON: That's -- do you think</p>	<p>364</p> <p>1 12:30 works. 2 HEARING EXAMINER ROBESON: Okay. So we're going 3 to continue this case until tomorrow, April 30th at 12:30 in 4 this room. Okay. And you know what, we didn't -- are you 5 available? 6 THE COURT REPORTER: If it's not me then there 7 will be somebody from the company here. We'll cover it. 8 HEARING EXAMINER ROBESON: You will have it. 9 Thank you. 10 THE COURT REPORTER: Absolutely, Your Honor. 11 HEARING EXAMINER ROBESON: Thank you. Okay. 12 That's -- I would prefer to do it this way, so -- then I'll 13 be nicer to everybody. 14 MR. CHEN: Are we adjourning? 15 HEARING EXAMINER ROBESON: We're continuing it 16 and the hearing, unless anybody has anything else right now, 17 any pressing matter, were going to continue it until 18 tomorrow at 12:30. 19 MR. CHEN: Thank you, Your Honor. 20 MR. KLOPMAN: Thank you. 21 HEARING EXAMINER ROBESON: And we're off the 22 record. 23 24 25</p>


Transcript of Administrative Hearing, Day 2  
Conducted on April 29, 2019

92 (365 to 368)

365

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I, Molly Bugher, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.



Molly Bugher

DATE: May 3, 2019