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# Transcript of Hearing 

Date: February 18, 2022
Case: In Re: Cozy Cats Veterinary, LLC

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Conducted on February 18, 2022


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| 1 I'm an attorney with the law firm of Miller Miller and Canby with offices at 200 B Monroe Street, which is directly across the street from where your office may be some day if you ever move into the county building. With me today on my right hand side if you can see on the camera is Ms. Brittany Harman, who's the person here to keep me from embarrassing myself in some technical issue in terms of pulling up the exhibits to be presented to you. And also 10 with me today are Dr. Hannah Levy and her husband, 11 Mr. Nimrod Levy, who are the -- well, Dr. Levy's the 12 principal of the applicant and Mr. Levy is the owner 13 of the building. We have also available with us <br> 14 Mr. Mike Norton, who's our site designer and we'll 5 qualify him as an expert. And we have also 6 Mr . Ehrlich on the line. I don't know if he's on there yet or -- yeah. <br> MS. LEWINTER: Yes. <br> MR. KLINE: Yeah, he's here also, and he will qualify as an expert in acoustics, since <br> 21 soundproofing is such an important issue in a boarding. <br> MS. LEWINTER: Now, I did want to note <br> that I didn't see any kind of prehearing statement <br> 25 with respect to experts. So does that mean -- | record of the prehearing statement. <br> MS. LEWINTER: Okay. Well, I think we <br> can proceed without. And if there's some issue where it really wasn't submitted in a timely fashion when we go back and review, we can address that at that point. But my -- my hope is that between the -- the actual report that was submitted, which was -- seemed pretty thorough, you know, we should be able to proceed. <br> Okay. So I don't see anybody else on the <br> call. And so my presumption is that there is nobody 12 here in opposition. I did see the affidavit of 13 posting in the record that was Exhibit 19. And 14 as -- Mr. Kline, I'm sure you're very aware, this is 15 an informal hearing but there are certain 16 formalities. And because we are on a virtual 17 platform, particularly Microsoft Teams, we ask that 18 there not be any interruptions if you can avoid it. <br> 19 It makes it just very difficult for the court <br> 20 reporter. So if you need to raise an -- raise an <br> 21 issue or you have something that you need to bring <br> 22 to my attention, if you could use the raise hand <br> 23 feature, which is in -- it should be -- well, I <br> 24 guess everybody's thing is configured a little bit <br> 25 differently, but in mine it's in the upper right |  |
| MR. KLINE: -- yeah, well, it is Exhibit <br> Number -- well, I know we sent one in, but I -- I agree, I don't see it either. <br> MS. LEWINTER: So if you've sent one in, and I -- again, I apologize that I am not as familiar with the process. I mean, if we -- do you feel like the report is sufficient or you really need to call Mr. Uhrlich? Otherwise we can investigate if somehow it got -- <br> MR. KLINE: -- sure -- <br> MS. LEWINTER: -- lost in transit. <br> MR. KLINE: I -- I did submit a <br> prehearing submission. I'm sorry, I -- I don't even 4 have it, a copy in my file. It did have the -5 basically just a breakdown of the parties testimony. 6 We had previously the only -- the only written 17 report we had was Mr. Uhrlich's acoustical study, which is in the record. <br> MS. LEWINTER: Yep. <br> MR. KLINE: And I had their two -- the <br> 21 resumes so that -- for basis. But I -- I'm glad to <br> 22 go through voir dire just to -- so you'll qualify <br> 23 them, since they both have qualified before the 24 hearing examiners before, but I'll get to that. And <br> 25 I will make sure that you do get a copy for the | hand corner. And as we've discussed, this session's being recorded through the Microsoft Teams feature. We also of course have the court reporter doing the official record. But the Teams recording is -- is the back up. <br> I'm going to ask you for an opening statement and then we'll put on the testimony, see if there's any -- anybody appears. We'll have testimony and then closing statement. I'm sorry, 10 that -- and then the approval is based on the 1 criteria set forth, as you know, in the zoning 2 ordnance, and you've already had access to that 13 through the planning staff report, which is Exhibit <br> 1418 . So to the best that you can to address all 15 testimony to those criteria. Are there any other 16 procedural issues that we need to address before we 17 get started? <br> 18 MR. KLINE: Besides -- no, I can confirm <br> 19 that the signs do remain posted on the property. So 20 it was -- you have the affidavit posted, which we 21 submitted that two or three days ago at Ms. <br> 22 Johnson's request, and I can confirm those signs 23 remain posted. And I really don't have a opening 24 statement. Sometimes it's kind of necessary but <br> 25 I -- I think that this is -- to start Montgomery | 8 |


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| 1 County, I think this is probably a good place to start since they're not going to get any easier from this one, as you can probably tell. <br> There -- there -- there were two things I <br> wanted to mention in the opening statement because I want to make sure I -- you've gotten any questions you have about. One is the interesting combination. It's a -- it -- so what is before you today is the boarding -- animal boarding and care facility. As 10 you can see from the record, we also have a 11 veterinary operation going on at the same time. And 2 I've asked my witnesses to kind of put on blinders 13 and really focus on the boarding operation. But 14 there is some overlap, and so feel free to talk to 5 Dr. Hannah and ask any questions about how that works. <br> So, for instance, though, we have <br> 18 proffered that there won't be more than four people 19 at any given time working on the boarding. They -20 they may be spilling over and working also in some 21 veterinarian functions, because, frankly, the staff <br> 22 is -- there's -- there's -- even with 30 cats <br> 23 there's not enough to keep four people busy all the <br> 24 time. So feel free to ask Dr. Hannah where you have <br> 25 any questions about that. | veterinary operation is permitted by right, and all -- the reason the site plan was required in any event is because of the potential of animals needing to go outside for either recreation or to go relieve themselves. And that's one of the essential elements of the Cozy Cats or A Cat Place. They're not going outside. They're all exclusively cats and so that exposure on to the public is just not going to occur. <br> 10 MS. LEWINTER: Okay. I see that Lynn <br> 1 has -- I'm sorry, Ms. Robeson Hannan has her hand 12 up, so the very experienced hearing examiner, I'm <br> 13 going to ask her to weigh in if she has additional 14 question. <br> MR. KLINE: I anticipated that might <br> happen. <br> MS. ROBESON HANNAN: I just -- well, it's <br> 8 not that. I just wanted to point out that we can't <br> 19 really waive site plans except there is another <br> 20 provision of the zoning ordinance that allows if <br> 21 there's no external changes, you don't have to get <br> 22 site plan and just -- I'm just saying this for the <br> 23 record. It's 734, if you could just bear with me a <br> 24 moment. But we -- we can't just waive site plan <br> 25 because it's, you know, for whatever reason. But |
| MS. LEWINTER: Well, I appreciate you <br> raising that. So to the extent she can talk to staffing, I think that would be helpful because I think it was a little bit confusing in the technical staff report. So that would be great if she can address that in her testimony. You said there was a second issue? <br> MR. KLINE: Well, the only -- the only other one was the -- the question that came up about 10 the -- whether there was a necessity of a site plan. 1 And I tried to set forth that or the explanation of why we worked out an arrangement with staff. Essentially there's a provision in the zoning 14 ordinance says if you're getting a conditional use, 15 then -- and it's in a zone that would have required 16 a site plan, we won't ask you to get a site plan as 7 well because that would be redundant to do the same 8 together. So park and planning staff said Jody, if 19 you're getting a conditional use for the boarding 20 facility, it's so integrated with the -- the 21 veterinary operation, we don't think it's necessary 22 that you have to get the site plan. So there -23 though that's not really the scope of your hearing 24 at all, there won't be -- we -- or a -- getting a <br> 25 site plan won't be imposed on us. And because the | there is a -- under -- oops. I'm sorry. It's 734, yes. If you look at 734 A 8. <br> MR. KLINE: Yes, ma'am. <br> MS. ROBESON HANNAN: It says any new <br> construction or expansion, and you're not -- you're not changing any new construction. <br> MR. KLINE: That is correct. <br> MS. ROBESON HANNAN: So I would prefer <br> just for the record to utilize that rather than say <br> 10 it doesn't make any sense, which it may not. But <br> usually there's a -- a way to avoid that. So I <br> would prefer just to go with that. <br> MR. KLINE: Well, however Ms. LeWinter <br> 4 wants to handle it, we -- we're -- we're okay with 15 that. <br> 16 MS. LEWINTER: Well, I will probably <br> 17 defer to Ms. Robeson as an experienced hearing 8 examiner, that makes sense. I do note that in a <br> 9 technical staff report the -- the planner did say <br> 0 that the information provided in the -- with the <br> conditional use would kind of cover everything, so I <br> think we're probably good on multiple fronts. <br> MR. KLINE: Sure. The -- the -- the site <br> 24 plan is necessary for the vet clinic. It is not <br> 25 necessary for them and that's -- that's why I was |


| 13 | 15 |
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| 1 trying to avoid having to do all that. And -- but | 1 handle it just to be set. |
| 2 we -- however you want to handle it, you're -- I'm | 2 MS. LEWINTER: Okay. I have standard |
| 3 assuming that will be fine, Ms. LeWinter. | 3 language that I use, Lynn, but if there's specific |
| 4 MS. LEWINTER: Okay. | 4 language that Montgomery County uses, I'm happy to |
| 5 MR. KLINE: Okay. | 5 adopt that. |
| 6 MS. LEWINTER: All right. Well, if -- if | 6 MS. ROBESON HANNAN: You know, you're |
| 7 that -- if there was anything else you wanted to say | 7 exposing all the things that I didn't -- forgot to |
| 8 in opening, please let me know. But other than | 8 tell you. So it's -- I will swear them in. |
| 9 that, if you want to proceed to your first witness. | 9 MS. LEWINTER: Okay. |
| 10 MR. KLINE: That would be fine. | 10 MS. ROBESON HANNAN: I'll just be |
| 11 MS. LEWINTER: Okay. | 11 co-hearing examiner, but for all intents and |
| 12 Mr. KLINE: And they -- Ms. Robeson | 12 purposes, Andrea will be the hearing examiner. But |
| 13 Hannan has seen me do this so many times it -- she | 13 let's have -- let's swear them in all at once. |
| 14 probably anticipates what's going to happen. But I | 14 MS. LEWINTER: The -- okay. Before you |
| 15 thought in this case because the setting, the -- the | 15 do that, though, there's somebody who just joined |
| 16 castle, the Forest Glen setting is so unique, I | 16 the call. Sondra Atkins? Is that another witness? |
| 17 thought I'd actually start by having you understand | 17 MR. KLINE: That's my secretary. So I'm |
| 18 the sort of the -- the -- the context in which the | 18 not sure -- I guess she wants to see what -- what I |
| 19 building sits in the building itself, and then get | 19 do. |
| 20 into the operations through Dr. Hannah. So I'd like | 20 MS. ROBESON HANNAN: She likes the Caps. |
| 21 to call my first witness, Mr. Nimrod Levy. | 21 MR. KLINE: Yeah. Sandy Atkins is in our |
| 22 MS. LEWINTER: Okay. | 22 office upstairs and she probably just turned it on |
| 23 MR. KLINE: And would you like to swear | 23 to kind of just see what was going on. |
| 24 Mr. Levy? | 24 MS. LEWINTER: Okay. All right. So, |
| 25 MS. LEWINTER: I should have said this at | 25 Lynn, if you wanted to proceed. |
| 14 | 16 |
| 1 the beginning, that is my fault. But we are | 1 MR. KLINE: May I just ask -- just this, |
| 2 operating under procedure, just so Mr. Nimrod Levy | 2 our other two witnesses, Mr. Norton and Mr. Uhrlich, |
| 3 and Ms. Hannah Levy and Mr. Norton and Mr. Uhrlich | 3 why don't you guys go on screen so the hearing |
| 4 know, that everybody is going to be presumed to be | 4 examiner can confirm that you're raising your hand |
| 5 under oath. | 5 and you're hearing? |
| 6 MS. ROBESON HANNAN: Nope, nope. | 6 Great. Thank you. |
| 7 MS. LEWINTER: Sorry? | 7 MS. ROBESON HANNAN: Okay. Everyone that |
| 8 MS. ROBESON HANNAN: You gotta swear them | 8 wishes to testify, please raise your right hand. |
| 9 in . | 9 Okay. Do you solemnly affirm under penalties of |
| 10 MS. LEWINTER: Oh, we do have to swear | 10 perjury that the statements you're about to make are |
| 11 them in? I'm sorry. | 11 the truth, the whole truth, and nothing but the |
| 12 MS. ROBESON HANNAN: That's okay. I'm | 12 truth? |
| 13 sorry to interrupt. I -- | 13 MULTIPLE VOICES: I do. |
| 14 MS. LEWINTER: -- well, just -- sorry. | 14 MS. ROBESON HANNAN: Okay. Having seen |
| 15 In your -- in your little notes it said that they | 15 all the witnesses answer in the affirmative, I'm |
| 16 will be under oath and -- | 16 going to turn it back over to Ms. LeWinter. |
| 17 MS. ROBESON HANNAN: -- I'm sorry. My | 17 MS. LEWINTER: All right. |
| 18 notes, my bad. It was my oversight. | 18 THE REPORTER: I'm sorry -- I'm sorry for |
| 19 MS. LEWINTER: No, no, no. | 19 the brief interruption. Could everyone who was just |
| 20 MS. ROBESON HANNAN: I gave poor notes. | 20 sworn also state their name just for the record? |
| 21 I apologize. | 21 MS. ROBESON HANNAN: Okay. |
| 22 MS. LEWINTER: No, no, no, no. I should | 22 MR. KLINE: All right. We'll do the -- |
| 23 have -- | 23 we'll go to the two here in the room. Can we just |
| 24 MR. KLINE: -- well, I -- I forewarned | 24 have both of your names, please? |
| 25 them that they would be sworn, so you feel free to | 25 MR. LEVY: Nimrod Levy. |


| 17 | 19 |
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| 1 DR. LEVY: Hannah Levy. | 1 let me stop sharing and start again. |
| 2 (Cross talk.) | 2 That work? |
| 3 MS. ROBESON HANNAN: Michael nor ton? | 3 MR. KLINE: Yes. |
| 4 MR. NORTON: Michael Norton. | 4 MS. LEWINTER: Okay. |
| 5 MS. ROBESON HANNAN: And Gary L. Uhrlich? | 5 MR. KLINE: Great. Could I ask if it |
| 6 MR. UHRLICH: Yep. Gary Uhrlich. | 6 could be scrolled up just a touch so it's a little |
| THE REPORTER: Thank you very much. | 7 bit more -- thank you. Okay. And then now down a |
| 8 Sorry for the interruption. | 8 touch. |
| 9 MS. ROBESON HANNAN: Thank you. | 9 MS. LEWINTER: Oh, scrolled up. |
| 10 MR. KLINE: With that, I'll begin with | 10 MR. KLINE: Well, yeah. That's fine, |
| 11 testimony from Mr. Levy if that's okay. | 11 that'll be fine. |
| 12 MS. LEWINTER: That's great, thank you. | 12 MS. LEWINTER: I can also -- I can also |
| 13 MR. KLINE: Sure. Mr. Levy, would you | 13 make it bigger. Just let me know, like -- |
| 14 please spell your name -- give us your name, spell | 14 BY MR. KLINE: |
| 15 your name, and give us your business address? | 15 Q -- well -- well, we'll wait and see what |
| 16 MR. LEVY: My name is Nimrod Levy. | 16 questions you have. |
| 17 That's N-i-m-r-o-d Levy, L-e-v-y. And the -- the | 17 But, Mr. Levy, looking at this aerial |
| 18 property location is 10 Post Office Road, Silver | 18 photograph which is Exhibit 6 in the record, would |
| 19 Spring, Maryland 20910. | 19 you locate or have Ms. Harmon identify the location |
| 20 BY MR. KLINE: | 20 of the subject property known as the castle? |
| 21 Q And is that serving as your business | 21 A So the -- the building is -- it's not |
| 22 address as well? | 22 labeled but you can see Post Office Road on the -- |
| 23 A The business address is 2816 Linden Lane, | 23 on the map there that kind of cuts between Linden |
| 24 also Silver Spring 20910. | 24 Lane and I think that's -- |
| 25 Q And could you just explain for the | 25 Q Seminary Road? |
| 18 | 20 |
| 1 hearing examiner your association with the property | 1 A Seminary Road. And that -- so that's |
| 2 and the application and the applicant? | 2 across the front of the building there. |
| 3 A I co-own the -- the -- the property and | 3 Q So the building is essentially in the |
| 4 the -- the business with -- with my wife, Dr. Hannah | 4 center of the -- this picture is the footprint or |
| 5 Levy. | 5 the rooftop of the castle? |
| 6 MR. KLINE: Okay, that's fine. Ms. | 6 A Yes. |
| 7 LeWinter, I wanted to have Mr. Levy basically kind | $7 \quad$ Q And just give us a little brief history |
| 8 of give you an orientation, and I wanted to use one | 8 of the castle. Why is there -- why it's got such |
| 9 of the exhibits which is the Exhibit Number 6, which | 9 notoriety. |
| 10 is -- | 10 A So the -- the castle was built -- I don't |
| 11 MS. LEWINTER: -- okay | 11 have the date, in the 1800s. And I think around -- |
| 12 MR. KLINE: -- a photograph. Yeah, | 12 and there's a post office next door which is |
| 13 great, perfect. | 13 actually now a restaurant. And I believe it was |
| 14 MS. LEWINTER: All right. So give me one | 14 around 1910 there was a-- a fire and the owners at |
| 15 second to share my screen. | 15 the time had something of a sense of humor and built |
| 16 MR. KLINE: Thank you. | 16 it back up with a -- the -- the casson (phonetic) of |
| 17 (Speaking out of hearing.) | 17 the -- the castle. I believe the -- at one point |
| 18 MS. LEWINTER: Nope, sorry. Hold on. | 18 there was a railroad station. As you can see, the |
| 19 I'm giving you guys a whole tour here, hold on. | 19 railroad tracks crossed quite close by. And it's -- |
| $20 \quad$ MR. KLINE: Number 6. | 20 since then, it's a -- it's been a lot of different |
| 21 MS. LEWINTER: Yep. Let me just -- | 21 things including general store, a Hungarian |
| 22 sorry. Can you see that now? | 22 restaurant. I believe there was a brothel in on |
| 23 MR. KLINE: It's not showing up on our | 23 the -- the upper levels where there are apartments. |
| 24 screen yet. | 24 So it's -- it's got quite a -- a long and colorful |
| 25 MS. LEWINTER: Okay. Okay. Let me -- | 25 history. |


| 21 | 23 |
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| 1 Q So while we're on this photograph, I | 1 along the west side of the property coming |
| 2 think I'm just going to have you identify some of | 2 diagonally on your photograph? |
| 3 the landmark features. So looking to the front and | 3 A That's correct. |
| 4 to the right of the building, the triangular parcel | $4 \quad$ Q And then beyond that on the other side of |
| 5 at the intersection I guess of Forest Glen Road and | 5 the tracks, I guess that's an office building with a |
| 6 Old Post Office Road, which I think probably says | 6 parking lot? |
| 7 park -- or, no, it says Parcel Lane. So that is a | 7 A Yeah. |
| 8 parking lot associated with the building? | 8 Q So your -- the -- the castle is located |
| 9 A Yeah. It's a separate parcel of land, | 9 in what I guess you might call a commercial node in |
| 10 but -- but it -- we also own -- we own both the -- | 10 Forest Glen? |
| 11 the building where the -- the parcel where the | 11 A Correct, yes. |
| 12 building is and that parking area as well. | 12 Q Okay, great. If I could go to Exhibit |
| 13 Q And that -- and that property is covered | 13 Number 8, which are aerial photographs, and I was |
| 14 by the special -- this conditional use application | 14 just going to have Mr. Levy just walk us around the |
| 15 because it'll accommodate parking for some of the | 15 building, because it's got a lot of character. |
| 16 visitors? | 16 MS. LEWINTER: Sure. I just had a quick |
| 17 A Our primary parking area will actually be | 17 question. |
| 18 in the back. The -- the main -- the access there is | 18 MR. KLINE: Yes. |
| 19 more parking available there. | 19 MS. LEWINTER: And maybe we'll get -- get |
| 20 Q Okay. | 20 to that. But the parcels behind -- I -- they say |
| 21 A And so the -- the primary access to -- to | 21 PT, I think, like, 41, are those also, like, |
| 22 our suite will be from the rear of the building. | 22 backyards for residential property? |
| 23 Q I'll -- I'll get to that in a second. So | 23 MR. KLINE: Is -- is that abutting the |
| 24 I'm just going to walk you around the building | 24 (inaudible)? I don't see that designation? |
| 25 counterclockwise so the hearing examiner understands | 25 MS. LEWINTER: They're not abutting |
| 22 | 24 |
| 1 all the buildings that are adjacent, abutting, or in | 1 property, it is not. It's -- there's a road that |
| 2 close proximity. So we talked about the triangular | 2 curves around. |
| 3 parking area in the front of the building, to the | 3 MR. LEVY: It's on the other side of |
| 4 upper right there's a sort of a long rectangular | 4 Capital View Avenue. |
| 5 building. Ithink you said that's a -- | 5 MR. KLINE: Okay. |
| 6 A -- it's a restaurant. | 6 MR. LEVY: I don't know. |
| $7 \quad$ Q Restaurant. And then moving further to | 7 MS. LEWINTER: Okay. |
| 8 the back, what are those buildings to the back of | 8 MR. KLINE: Yeah. |
| 9 the property? | 9 MS. LEWINTER: It looks like -- I mean, |
| 10 A The -- the two buildings to the above and | 10 it's a little hard to tell, but it looks like there |
| 11 behind our -- our houses. | 11 are houses and kind of, like -- |
| 12 Q Okay. | 12 MR. LEVY: -- the road as you can see |
| 13 A Residential. | 13 curves around and it's -- it's actually a little bit |
| 14 Q And the two buildings where I guess, | 14 hilly there. |
| 15 yeah, where the cursor is now -- | 15 MS. LEWINTER: Okay. |
| 16 A -- that's a commercial property. I don't | 16 MR. LEVY: The way it drops down. I'm |
| 17 recall the -- the use of that on that. | 17 not -- I'm not sure exactly what's on that side of |
| 18 Q And then you've got garden apartments on | 18 the other side of the road at that point. |
| 19 the other side, on the far east side of Capital View | 19 MS. LEWINTER: Okay. But there's, like, |
| 20 Avenue; is that the correct street? | 20 an elevation drop -- |
| 21 A Okay. | 21 MR. LEVY: -- yes. |
| 22 Q Okay. And below that is an automobile | 22 MS. LEWINTER: Okay. All right. So I'm |
| 23 fun station? | 23 sorry, you said Exhibit 8? |
| 24 A Yes. | 24 BYMR. KLINE: |
| 25 Q And then you have railroad tracks running | 25 Q Yes. The -- they're aerial photographs. |



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| 1 A We are not planning any changes to the | 1 much foot traffic past those units at all or are |
| 2 exterior, no. | 2 they all pretty much served by the front door |
| 3 Q Okay. I didn't happen to notice the | 3 entrance? |
| 4 lights in the background. I assume there's lights | 4 A The -- again, I'm -- I'm not certain on |
| 5 on the back of the building as well? | 5 the -- the -- the client use of the -- for the |
| 6 A There -- there are, yes. | 6 for the law office. I'm not sure but I assume their |
| $7 \quad$ Q So leading up to the question, do you | 7 clients come in on the -- on the front, but I'm |
| 8 feel that there's adequate lighting for your -- your | 8 actually not sure. |
| 9 patients or your customers to bring their animals in | 9 Q Okay. |
| 10 and of -- and safely through the parking lot? | 10 A So but, yeah, everybody else I believe |
| 11 A Yes. | 11 does come in in the back, but there -- but there's |
| 12 Q Okay. Great. And we're not adding any | 12 not a lot of foot traffic in front of those -- those |
| 13 new lights. | 13 suites. |
| 14 A No. | 14 Q Okay. I'm just going to sort of question |
| 15 Q Okay. I think that's -- well, yeah, one | 15 out of sequence, but it's a foundation for the other |
| 16 more picture. And this is the - | 16 questions that I want to ask you. Presently today |
| 17 A -- this is the front door of the building | 17 in your living in a house that is the operation of a |
| 18 that's just in that covered walkway area. | 18 cat place today, so you have -- not only familiar |
| 19 Q And you can get to the boarding facility | 19 with the building but the operation of a animal care |
| 20 through this door, but it's not going to be the | 20 facility. |
| 21 preferred routing? | 21 A That's right, correct. |
| 22 A No. This -- this might be used as far as | 22 Q So based on your familiarity with the |
| 23 the -- the animal care facility might be used as a | 23 neighborhood and the building, do you and your |
| 24 staff entrance. There is a stairwell inside that | 24 familiarity of how cat or how pet board -- pet care <br> 25 is taken here, do -- do you believe that a cat's |
| 25 takes you kind of into the -- the back area, but | 25 is taken here, do -- do you believe that a cat's |
| 30 | 32 |
| 1 doesn't lead to the reception. So it would not be | 1 place, Cozy Cats, can exist in this building and not |
| 2 used by the clients. | 2 have an adverse affect on the tenants in the |
| $3 \quad \mathrm{Q}$ And in the dialogue we had with th | 3 building, the guests of the building, or in the |
| 4 hearing examiner earlier, there are no physical | 4 surrounding neighborhood? |
| 5 changes to be made to the exterior of the building? | 5 A I believe so. |
| 6 A That's correct. | 6 Q Can you elaborate on that, just why you |
| 7 Q All right. Okay. | 7 feel that way? |
| 8 MS. LEWINTER: Okay. | 8 A So for -- for boarding, the -- the pick |
| $9 \quad \mathrm{Q}$ How many tenant bays do you have in the | 9 up and drop offs are all very scheduled and if need |
| 10 building? And I guess the hearing examiner probably | 10 be can be spaced out. And -- and so the -- and the |
| 11 would kind of like to know what's the character of | 11 cats are not noisy and are -- everything will be |
| 12 the tenants, how many do you have, what's the | 12 very self contained within our facility. I-- I |
| 13 character of the tenants? Because we're leading up | 13 don't know why there would be any impacts on anybody |
| 14 to are the -- the cats going to bother these people. | 14 outside. |
| 15 A Sure. We have on the first floor the -- | 15 Q Okay. Will you be the person responsible |
| 16 the largest tenant is a law office. We also have a | 16 for monitoring and managing the construction of the |
| 17 couple of general use offices on -- on that | 17 boarding place facility? |
| 18 building. A software development company and a I | 18 A I'll be working closely with the |
| 19 believe a financial services office also on the | 19 contractors, yes. |
| 20 first floor. On the second floor and in an adjacent | $20 \quad$ Q Okay. And -- and so my question is are |
| 21 suite is a chiropractor, and then in the basement | 21 you familiar with Mr. Uhrlich's -- Mr. Uhrlich's |
| 22 level there's a physical therapist and a -- a | 22 recommendations for construction techniques to |
| 23 part-time hair salon. | 23 soundproof the space? |
| $24 \quad \mathrm{Q}$ By having the entrance to the boarding | 24 A Yeah. I've -- I passed that report along |
| 25 facility on the back of the building, will there be | 25 to the -- the contractors to incorporate as needed. |


| 33 | 35 |
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| Q And you'll be responsible for insuring that his recommendations are implemented in the construction? <br> A (No answer heard.) <br> Q And are all the public services that this use would need, are they available in the building today? Water, sewer, electricity, gas? <br> A Yes. <br> Q Phone? <br> A Yeah. The building is fully served, yes. <br> MR. KLINE: Ms. LeWinter, I have no <br> further questions of Mr. Levy. Feel free to ask him anything you'd like to that I might have missed. <br> MS. LEWINTER: I guess it's really simple <br> question, but -- and I'm not sure if he's the right <br> 6 person to answer it, but you were talking about <br> 7 scheduling the drop offs and pick ups. Are people <br> 8 required to bring the cats in some kind of carrier? <br> Do you ever have situations where people come just <br> with a loose kitty? <br> MR. KLINE: I -- I will defer that to <br> Dr. Hannah Levy if that's okay -- <br> 23 MS. LEWINTER: -- okay, yep. That's <br> 24 fine. No, I had no other questions. <br> 25 MR. KLINE: Very good. | MS. LEWINTER: And, Mr. Kline, if I can <br> interrupt you for one second. I can't see Dr. Levy <br> on my screen. Is there a way to kind of position <br> your camera? <br> MR. KLINE: Sure. <br> MS. LEWINTER: I can see Mr. Levy <br> perfectly. <br> MR. KLINE: Yeah, okay. Bear with us <br> here. We're going to rotate him -- <br> MS. LEWINTER: -- there we go. Thank <br> you. Okay. Great. Thank you. <br> BY MR. KLINE: <br> Q And what is your relationship with the <br> 4 applicant, the -- the -- the name of the applicant <br> 15 itself? Are you the -- <br> A -- I am the principal in the application. <br> Q Okay. And will you be the person <br> 8 responsible for insuring compliance with any terms <br> 9 and conditions that might be posed if the <br> conditional use is granted? <br> A Absolutely. <br> Q Okay, fine. And were the conditions <br> 23 recommended in the staff report satisfactory to the <br> 24 applicant? <br> 25 A Yes. |
| MS. LEWINTER: Okay. <br> DR. LEVY: So -- <br> MR. KLINE: -- yeah, okay. So I'm just <br> going to have you, Dr. -- Dr. Levy, would you please <br> reintroduce yourself? <br> MS. LEWINTER: We can wait to her testimony. It's fine. We don't have to address it right now. <br> MR. KLINE: But, no, actually I was <br> 10 finished with Mr. Levy in any event. <br> MS. LEWINTER: Oh, okay <br> (incomprehensible). Sorry. <br> MR. KLINE: That was -- but if you do <br> have any other questions? <br> MS. LEWINTER: No. <br> MR. KLINE: Feel free to ask him and -- <br> MS. LEWINTER: -- I don't. <br> MR. KLINE: Then we'll move on our next <br> witness, Dr. Levy. <br> Dr. Levy, please reintroduce yourself and give us your business address. <br> 22 DR. LEVY: Okay. My name is Dr. Hannah <br> 23 Levy. It's H-a-n-n-a-h L-e-v-y. My business <br> 24 address is currently 2816 Linden Lane, Silver <br> 25 Spring, Maryland 20910. | MR. KLINE: Okay. Fine. Now, can I <br> interrupt you for a sec? Has the planning board's <br> letter gotten to you yet? <br> MS. LEWINTER: It has. <br> BY MR. KLINE: <br> Q Oh, it did? Okay, fine. I just want to make sure, sometimes they run a little late, I just want to make sure it was in the record. I knew that it was going to get there eventually, I just didn't know Ms. Jocelyn had a chance to put it into the record. <br> Dr. Levy, so let's talk about you. <br> Just give us a quick overview of your -- your <br> 14 training, your academic training and your <br> professional work since you got out of college and 16 medical school. <br> A Sure. So I graduated from University of <br> Missouri, Columbia in 2000 and I worked in several <br> different types of practices, including a large <br> humane society and private and publicly owned types <br> 21 of corporations. And then we ended up moving to -- <br> 22 to Maryland in 2015 and I joined A Cat Practice at <br> 23 that time and started working there as the primary <br> 24 vet. I ended up leaving there for a short period of <br> 25 time in 2017 and came back in 2018 and took over the |


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| 1 practice. And -- and purchased the practice from | 1 to come in contact with other cats directly. |
| 2 the owner's daughter because he had passed away in | 2 MR. KLINE: Ms. LeWinter, would you like |
| 3 March of 2018. And I've been there ever since. | 3 Dr. Levy to elaborate on the townhouse that's big or |
| $4 \quad \mathrm{Q}$ And so Cozy Cats is the name of the | 4 did you have an opportunity to see the graphic of |
| 5 applicant, A Cat's Place is a name you will use to | 5 that in the applicant's statement of justification? |
| 6 the branding name for the operation of the business? | 6 MS. LEWINTER: I think I understand it |
| 7 A The branding name of the business is Cozy | 7 but if the witness thinks that there's kind of a |
| 8 Cats Veterinary Cat Practice. It's kind of -- it's | 8 general misunderstanding or misconception that |
| 9 kind of both. | 9 people might have, be more than happy to be |
| 10 Q Okay. | 10 enlightened. |
| 11 A The DBA right now is The Cat Practice. | 11 Q Dr. Levy, just -- just describe what the |
| 12 Q I understand. Very good. Okay, thank | 12 townhouse is. Is it sort of a name in your |
| 13 you. | 13 profession, but what does it look like? |
| 14 A Uh-huh. | 14 A So it looks a little bit like a |
| 15 Q I think I -- what I'd like to do is ask | 15 townhouse. It'll have -- it'll have places for the |
| 16 you what -- what it is you're trying to create here, | 16 different levels so the -- the lowest level |
| 17 what -- what's your goal, and what -- how would you | 17 generally would have the litter box and then the |
| 18 like it to ultimately be operated? | 18 will be a level that has food and water and a few |
| 19 A So I would like to have a -- a place | 19 levels for them to sleep and play in. |
| 20 where we'd be able to have cats -- cats boarded so | 20 Q So the dimensions are, what, maybe two |
| 21 that they're as comfortable as possible, and that | 21 feet by two feet on the bottom and then height of, |
| 22 they do not get ill from being stressed out as we | 22 what, six feet? |
| 23 see in a lot of other boarding facilities. Because | 23 A About six feet. |
| 24 we're going to be only working with cats and they're | 24 Q Six feet, okay. And how many levels, |
| 25 not going to have any dog smells or any really |  |
| 38 | 40 |
| 1 stressful smells or loud noises. That's my plan. | 1 A I believe there's -- the ones that I'm |
| 2 Q In -- in your profession or in your | 2 looking at are five to seven. |
| 3 business, are there -- has there been any cat | 3 Q Okay. So they can circulate within |
| 4 boarding opportunities as there are for dogs and | 4 the -- so will you have up to 30 townhouses or will |
| 5 other pets? | 5 you be doubling up in some fashion? |
| 6 A No, there are not. I have a lot of | 6 A So we will probably have up to 20 |
| 7 clients currently that -- that are taking their cats | 7 townhouses and the townhouses are able to fit up |
| 8 to Rockville and Frederick and into -- far into D.C. | 8 two cats in there in them. |
| 9 where they're able to find places for the cats. | $9 \quad$ Q And there will be a dedicated space or |
| 10 Q So your boarding -- your boarding | 10 room within the overall clinic where these will all |
| 11 operation, what -- can you describe the services | 11 take place? |
| 12 that you'll provide as part of that boarding | 12 A Correct. |
| 13 component? | 13 Q Okay. And then is there any -- any place |
| 14 A So as far as the boarding component, we | 14 where you could take the animals out and let them |
| 15 will be providing, you know, for their regular needs | 15 walk around outside of the townhouse? |
| 16 as well as being able to give them medications and | 16 A We are going to have spaces in that room |
| 17 any treatments as needed. If -- if they need | 17 for that. |
| 18 anything during that stay, we'd be able to give that | 18 Q Okay. |
| 19 to them. | 19 A Yeah. |
| 20 Q What would be their, quote, shelter, for | 20 Q The services include sheltering them, |
| 21 lack of a better term, or where will they be housed? | 21 feeding them, medication, anything else at all? |
| 22 A So we're going to be providing townhouses | 22 A It'll include play time, too. |
| 23 and cat conses for them. The townhouses will have | 23 Q Play time? |
| 24 several levels. They'll have more spaces to be able | 24 A Uh-huh. |
| 25 to -- to go but also have the security of not having | 25 Q Wow, okay, fine. Will any of the cats |


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| 1 ever have to leave your -- the unit, particularly go | 1 drop offs until at least 9 o'clock in the morning |
| 2 outside the building for any kind of recreation or | 2 and likely until 5. |
| 3 defecation of -- or -- | 3 Q Okay. And you've committed that the drop |
| 4 A -- no. | 4 offs and pick up would be on an appointment basis |
| $5 \quad$ Q No? | 5 only and you'd set it up that way because why? |
| 6 A No. We -- we will give them | 6 A Because we don't -- we don't -- we don't |
| 7 entertainment by giving them TV screens with fish | 7 need anything besides scheduled times and -- and in |
| 8 and -- | 8 general it's easier to accommodate everybody, |
| 9 Q -- they're have -- we're having | 9 including the -- the veterinary staff and -- if we |
| 10 televisions? | 10 do just strictly scheduled appointments. |
| 11 A Yes. | 11 Q So it allows you just to avoid having a |
| 12 Q Do I need to make an appointment to come | 12 congestion of a lot of people bringing in -- what -- |
| 13 and stay with you? | 13 what is the normal intake or departure procedures? |
| 14 (Laughter.) | 14 Is it a long duration or fairly -- |
| 15 Q How do you handle animal waste? | 15 A -- no, it's -- it's usually about five |
| 16 A That is taken care of through our trash | 16 minutes. They would fill out a piece of paper if |
| 17 company. | 17 they haven't already filled it out and we address |
| 18 Q Okay. So and that's something | 18 any concerns, and then we're able to take the -- the |
| 19 accumulates on the bottom level and then just clean | 19 cats. |
| 20 it all out -- | 20 Q Okay. So you would close at what hour |
| 21 A -- uh-huh. | 21 then on -- on a weekday, anyway? |
| 22 Q -- storage device? | 22 A 6. |
| 23 (Cross talk.) | 23 Q Okay, 6. And weekend, open on Saturdays? |
| 24 Q -- what's the frequency of that pick up? | 24 A Yes. |
| 25 A It is currently once a week. We can make | 25 Q From? |
| 42 | 44 |
| 1 it twice a week needed. | 1 A We would be open from -- for the boarding |
| 2 Q Okay. How long does an animal typically | 2 part it'll be from 9 to 3 . |
| 3 stay with you? What's the typical duration of a | 3 Q 9 to 3, okay. Fine. (Incomprehensible) |
| 4 visit or whatever you call it, stay? | 4 for everything. There's bound to be emergency |
| 5 A So with boarding it's typically anywhere | 5 situations and how do you handle something like |
| 6 from a weekend up to typically a couple weeks, | 6 that? |
| 7 although I have had some clients that have gone out | $7 \quad$ A So as far as emergency situations for |
| 8 of the country and -- and needed more like a month. | 8 boarding, that would be more of somebody at the last |
| 9 Q Do we have sort of seasonal peaks also or | 9 minute needing help, and that would -- that would |
| 10 there -- even weekly peaks, for that matter? | 10 still be something that could be scheduled. |
| 11 A Yes. We would have -- if it was a weekly | 11 There's -- there's nothing so urgent that we |
| 12 peak, it would be more in -- in the line of -- of | 12 wouldn't be able to schedule that. |
| 13 Friday through Monday. | 13 Q Okay. Mindful that we're talking about |
| 14 Q Right. | 14 the boarding -- boarding and animal care component |
| 15 A And then seasonally the big seasons would | 15 of what's going on there, could you describe the |
| 16 be around Thanksgiving and Christmas. | 16 staffing that's necessary to operate the boarding |
| 17 Q Okay, great. So two things that are | 17 facility? |
| 18 always important at a conditional use are the hours | 18 A Yeah. So we would have a receptionist |
| 19 of operation and the staffing. So let's try to do | 19 that would be working on this part-time. She would |
| 20 the hours of operation first. When will you open up | 20 probably be working on the veterinary the rest of |
| 21 in the morning and when will you close down the 22 evening? | 21 the time. And then we would probably have up to two 22 staff generally but we do have the ability to have |
| 23 A So we will have staff as early as 7:30 in | 23 three staff that are helping with the -- with the |
| 24 the morning and they will stay in until 6, but the | 24 boarding otherwise. |
| 25 clients are not going to -- we wouldn't have any | 25 Q And, I mean, helping, you're meaning the |


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| 1 feeding, the -- the play time, the -- that sort of 2 thing? | 1 going to be putting video monitoring up so that I'll 2 be able to keep a close eye on them. |
| 3 A Uh-huh, and the clean up. | 3 Q Sure. |
| $4 \quad$ Q And the clean up, yeah. | 4 MR. KLINE: So you're -- you're in the |
| 5 A Uh-huh. | 5 building on a daily basis? |
| 6 Q Okay, fine. So you commit to have no | 6 A Yes. |
| 7 more than four people devoted to the boarding | 7 MR. KLINE: Yeah. And treating animals, |
| 8 operation at any given time? | 8 providing care for animals as well? |
| 9 A Correct. | 9 A Uh-huh. |
| 10 Q And think that'll be adequate for your | 10 MR. KLINE: Okay. |
| 11 needs? | 11 BY MS. LEWINTER: |
| 12 A Definitely. | 12 Q Are you counting yourself among the staff |
| 13 Q Okay. Will -- will there ever be a staff | 13 people or are you just the additional supervisor? |
| 14 person staying overnight in the building because | 14 A Additional supervisor. |
| 15 you'll have animals sleeping overnight? | 15 Q And then when you talked about play time, |
| 16 A I don't -- there shouldn't be. | 16 first of all, I just wanted to make sure I was here. |
| 17 Q Yeah. Okay. Dr. Levy, in your | 17 The -- the cats will be separate -- separated in |
| 18 professional experience, do you believe that the | 18 these townhouses, but you said they can hold two |
| 19 proposed facility will not have an adverse affect on | 19 cats. I'm assuming that's only for cats that |
| 20 the other people that are in the building or the | 20 normally live together. You wouldn't have two |
| 21 visitors to those other tenant spaces? | 21 stranger cats? |
| 22 A I do not believe that it will cause a | 22 A Correct. |
| 23 problem. | 23 Q Okay. So -- so if I had two kitties and |
| 24 Q I'm -- I guess I'm -- I haven't heard | 24 I brought them to you and they lived together in my |
| 25 these cats (inaudible) very much today. Is this | 25 home, they could be in the same townhouse? |
| 46 | 48 |
| 1 typical of cats with -- soundproofing is such an | 1 A Uh-huh. |
| 2 important element of the boarding operation. Do | 2 Q Okay. During play time, how does that |
| 3 cats make much noise, all things considered? | 3 work? Is that one kitty at a time or two related |
| $4 \quad$ A They sometimes will call back and forth | 4 kitties at a time or are there multiple cats running |
| 5 to each other, meow, but it's generally a lot | 5 around? |
| 6 quieter than people. So it should not cause an | 6 A That would be cats from the same |
| 7 issue at all. | 7 household. |
| $8 \quad \mathrm{Q}$ Is there anything about the proposed | 8 Q Okay. |
| 9 operation you could think of that would have an | 9 A And they would be running around with |
| 10 adverse affect on the health, safety, and welfare of | 10 just playing with -- with different things that are |
| 11 people in the building or people in the surrounding | 11 either from the household or that we provide for |
| 12 area? | 12 them. |
| 13 A No. | 13 Q Okay. So you're not anticipating two |
| 14 MR. KLINE: I have no further questions | 14 stranger cats at any point really interacting? |
| 15 of Dr. Levy. Invite you to ask any questions you | 15 A No. |
| 16 might have. | 16 MS. LEWINTER: Okay. I didn't have any |
| 17 BY MS. LEWINTER | 17 additional questions. |
| 18 Q I had a couple. Dr. Levy, do you | 18 MR. KLINE: I'm going to roll over now |
| 19 anticipate your own services being used for the | 19 into kind of the technical stuff, so I guess I will |
| 20 boarding facility? I mean, do you have any kind of | 20 ask you do you think there's anything operationally |
| 21 supervisory function as a veterinarian as opposed to | 21 or physically about the setting that might be a |
| 22 the owner of the boarding capacity, in boarding | 22 question you want to have answered? |
| 23 capacity? | 23 MS. LEWINTER: I appreciate you giving me |
| 24 A Yes. I'm -- I'm planning on keeping a | 24 that opportunity because I realized I did want to |
| 25 close eye on the cats that are being boarded. We're | 25 ask Mr. Levy just a parking related question. I -- |



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| 1 A Yes, I have. I've qualified through | 1 neighborhood office complex use. When you enter |
| 2 Goshen Enterprises and also most recently Goshen | 2 from Post Office Road, you actually circulate the |
| 3 Enterprises and Francisco Landscaping. I don't -- I | 3 site counterclockwise. So you would go in -- the |
| 4 cannot for the life of me remember the hearing | 4 entrance would be down at the southwest corner, if |
| 5 examiner's name. He was wonderful but retired and | 5 you will, circulate around and exit at the north -- |
| 6 I'm drawing a blank at the minute. | 6 northeast corner of the site. Parking on primarily |
| $7 \quad$ Q I'm sure Ms. LeWinter has -- is familiar | 7 on the exterior until you get to the rear of the |
| 8 with Mr. Grossman or -- | 8 property at the door on the north like what -- what |
| 9 A -- there you go. Yes. | 9 the Levys will be using. That does have designated |
| 10 Q All right. But you were accepted as an | 10 ADA parking spaces, as you can see on the plan that |
| 11 expert in site design -- | 11 we have called out. There is a ramp to get into the |
| 12 A -- correct. | 12 building as well from that location. Otherwise, |
| 13 Q -- in those cases, correct? | 13 the -- the site is -- has a -- let's say it's a six |
| 14 A Yes. | 14 foot chain link fence around the perimeter that does |
| 15 MR. KLINE: Ms. LeWinter, based on | 15 have a -- a plastic -- basically an opaque -- you |
| 16 Mr . Norton's previous qualifications as an expert in | 16 cannot see through the fence, so there is somewhat |
| 17 that subject matter, I'd like to offer him that. If | 17 of a -- of a screen-in around the perimeter. A |
| 18 you'd like more of his background, I'm glad to ask | 18 little bit of -- of landscape, some canopy trees |
| 19 him more questions. | 19 around the exterior to the north. |
| 20 MS. LEWINTER: No, that's fine. We can | 20 The existing building to the north of |
| 21 keep that. | 21 the site that we see as lot eight on there I believe |
| 22 Q So, Mr. Norton, just start us off with | 22 is a commercial -- commercial pool contractor to |
| 23 what -- what was the assignment that you were given | 23 the -- to the north. I believe someone was asking |
| 24 and how did you approach it? | 24 about that earlier. And then you circulate to -- |
| 25 A Our assignment was for very simply | 25 around to the existing building, which is currently |
| 54 | 56 |
| 1 reviewing zoning code, reviewing the site | 1 a piza shop. And that is the -- the site. There |
| 2 conditions, existing conditions, turning it into | 2 is -- as Mr. Levy said, there is lighting on some |
| 3 a -- in -- in this case a conditional use drawing, | 3 wall packs on the exterior of the building and |
| 4 if you will, because there are no exterior | 4 that -- that does cover us from a site perspective. |
| 5 improvements, so it was -- it was essentially a | 5 There are 48 parking spaces between the -- the -- |
| 6 review of the existing conditions of the site. | 6 the proper or property, I guess, you will -- and |
| 7 MR. KLINE: Could -- Ms. LeWinter, could | 7 then parcel A on the little triangle across Post |
| 8 we pull up Exhibit Number 7, which is the existing | 8 Office Road. |
| 9 condition site plan so that Mr. Norton could use | $9 \quad$ Q Ms. LeWinter avoided the fun of having to |
| 10 that as an exhibit when I ask him some questions? | 10 look at a forest conservation plan -- |
| 11 MS. LEWINTER: All right. And just | 11 A -- yes. |
| 12 let -- let me know if you need me to blow things up | 12 Q -- a storm water management plan. But |
| 13 or move -- move the -- the screen. | 13 why were those not necessary in this case? |
| 14 Q Yeah. Mr. Norton, do you want that | 14 A We submitted a -- we use actually the |
| 15 reduced so you got a little more cover or is that | 15 same plan for an exception from forest conservatio |
| 16 good for the way it is right now? | 16 and it was approved by park and planning. There are |
| 17 A Well, let's start with your questions | 17 no improvements to this property. Everything is as |
| 18 then I'll -- then we'll decide where to go. | 18 it is right now. The conditional use is interior to |
| 19 Q Sure. Well, you -- you heard Mr. Levy | 19 the building, so we did not have to make any site |
| 20 basically walk us around the building. What are the | 20 changes. |
| 21 site features that are kind of relevant to the | 21 Q Mr. Norton, you're familiar with the |
| 22 application before the board today that you observed | 22 zoning ordinance provisions relating to animal care |
| 23 when you were at the site? | 23 and boarding facility? |
| 24 A The -- pretty standard kind of like a | 24 A Yes. |
| 25 commercial use, if you will, office, kind of a | 25 Q Okay. Does this proposed use meet the |


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| 1 development standards for that use, as set forth -- | 1 the surrounding neighborhood? |
| 2 and I won't read the number because it'll take me | 2 A Yes, I believe that's the case. |
| 3 forever to get it done, but in the zoning ordinance? | 3 Q And is there anything that you have heard |
| 4 A Yes, it does. I'm assuming that we're | 4 of about the use that would cause an undue harm or |
| 5 talking about the animal services under -- I've | 5 hardship to the surrounding neighborhood? |
| 6 gotta pull it up, where we're talking about exterior | 6 A No. |
| 7 exercise areas, all of those things that will not be | 7 MR. KLINE: Ms. LeWinter, I have no |
| 8 part of this? Is that what we're referring to at | 8 further questions of Mr. Norton. I'm sure he would |
| 9 the minute, Jody? | 9 be pleased to talk to you, answer any questions -- |
| 10 Q Yeah. Well, that -- | 10 MS. ROBESON HANNAN: -- if I may, I just |
| 11 A -- yes. | 11 wanted to clarify something. And I think I know |
| 12 Q And so that would be the use and then | 12 why, but Article 6 as you know has a number of, you |
| 13 also does it meet the development standards for | 13 know, very specific screening requirements. I take |
| 14 the -- the zone in which it's located, in our zone | 14 it that your -- that because this is existing site |
| 15 as well? | 15 design, that you -- you don't need to comply with |
| 16 A That is correct, and it was also | 16 those screening requirements? |
| 17 confirmed I believe it's on page 16 of the staff | 17 MR. NORTON: That is my understanding as |
| 18 report by -- by park and planning as well. | 18 well through conversations with park and planning, |
| 19 Q Okay, great. Did you observe that public | 19 yes. |
| 20 facilities are present and adequate to serve the | 20 MS. ROBESON HANNAN: Okay. And I also |
| 21 proposed use? | 21 wonder why you need -- if it's all existing site |
| 22 A As far as I know, yes, that is the case. | 22 design, why do you need site plan approval? Or |
| 23 Electric, water, all facilities are there. All | 23 should I lead -- I guess that actually -- I guess |
| 24 utilities, yes. | 24 that's not relevant. But I just wanted to clarify |
| 25 Q When -- when you go back and think of the | 25 for the record that Article 6, you know, with all |
| 58 | 60 |
| 1 aerial photograph and look at your site plan, | 1 those detail things and you're not adding existing |
| 2 there -- there is an unusual circulation pattern | 2 lighting. |
| 3 both not -- not so much on site but off site. But | 3 MR. NORTON: Right. |
| 4 when you were there visiting the site, did you | 4 MS. ROBESON HANNAN: Typically with |
| 5 observe the circulation and the parking of cars on | 5 conditional uses the -- the lighting has to be 0.1 |
| 6 the site and off of the -- the abutting streets and | 6 with (inaudible) at the property line. So I just |
| 7 Post Office Road? | 7 wanted to -- to clarify that. That's all. Thank |
| $8 \quad$ A Yeah, I visited the site on several | 8 you for letting me interrupt. |
| 9 occasions and the -- the parking and circulation | 9 MR. KLINE: Well, I will go back to -- |
| 10 seemed to be adequate, and there did not seem to be | 10 because I think your question about the site plan |
| 11 safety issues that I saw from -- from my | 11 is -- is more of a -- a legal question rather than a |
| 12 perspective. | 12 planning question, and that is quite simply the only |
| 13 Q Is there any feature of the site or is | 13 reason the boarding facility needs a -- an -- a site |
| 14 there any feature that you're aware of of the | 14 plan is because it's -- if there's outdoor |
| 15 proposed use that would have an inherent -- sorry, a | 15 recreation or relieving by the animals, and since |
| 16 non-inherent and not inherent quality, and it will | 16 that's not going to happen in this case because the |
| 17 have an affect on the impact of the proposed use in | 17 cats, that obviously dis-obviates the need for a |
| 18 the surrounding area? | 18 site plan. It was -- would have been redundant |
| 19 A I do not believe that there's anything | 19 if -- and unnecessary. |
| 20 that this conditional use is proposing that were -- | 20 MS. ROBESON HANNAN: I agree with you but |
| 21 that would cause any problems. | 21 -- |
| 22 Q Based on your experience in site design, | 22 MR. KLINE: -- okay, great, so -- |
| 23 looking at what we've heard today about the use and | 23 MS. ROBESON HANNAN: -- I guess so -- so |
| 24 knowing that the setting, in your opinion, can the | 24 (inaudible) for park and planning. |
| 25 use be operated in a manner that's harmonious with | 25 MR. KLINE: Sure, right. |



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| 1 And one comparison I was making was to the building | 1 MS. LEWINTER: No, we didn't have any |
| 2 code requirements for new residences that have a | 2 questions. |
| 3 sound transmission class rating of 50 between two | 3 MR. KLINE: All right. That does |
| 4 adjacent apartments or two apartments that are on | 4 complete our presentation. The witnesses -- I know |
| 5 top of each other, and that's also the goal used by | 5 you give me an opportunity to have a closing |
| 6 the Department of Defense for talking about | 6 argument, but I'd probably do nothing more than |
| 7 classified materials, so (indiscernible) going off | 7 reiterate what I said befor |
| 8 of those two uses is certainly good enough for | $8 \quad$ This is about as easy as it gets in |
| 9 making (indiscernible) cats. So I was reviewing up | 9 Montgomery County, Ms. LeWinter. No change |
| 10 special draws for the building and I estimated that | 10 physical changes to the building at all. A use |
| 11 if you just put that insulation in the ceiling of | 11 that's totally interior, segregated to some extent |
| 12 the space below, that would get you up to that | 12 from the other uses in the building. And as you can |
| 13 metric of a sound transmission class of 50. And I | 13 see from Digit and Kiki here today, just a |
| 14 don't even think that would be necessary but that's | 14 customer -- a patient that is absolutely not only |
| 15 just to meet that somewhat arbitrary goal. | 15 delightfully attractive and cute, but very, very |
| 16 And then the only other thing is | 16 quiet. So this business can be operated in a way |
| 17 looking at sound going to the public corridor on the | 17 with very low intensity, it's a very benign use, and |
| 18 second floor, and to minimize any sound transfer | 18 it meets the standards of the zoning ordinance. And |
| 19 there I was proposing using acoustical seals for the | 19 we would ask that you approve it so that Ms. Levy |
| 20 door and to make sure all the windows are fixed | 20 can move her businesses into a new location and |
| 21 windows and not operable windows at that corridor. | 21 have -- have the advantages of having the two |
| 22 So that's basically all I was recommending. | 22 operations together and providing boarding |
| 23 Q And in your opinion if the techniques | 23 facilities for a needed component in the Silver |
| 24 that you've described are implemented, the unit will | 24 Spring area. Thank you. |
| 25 be considered to be soundproof under your definition | 25 MS. LEWINTER: Thank you. So, yes, as |
| 66 | 68 |
| 1 of soundproof? | 1 you know, we have the planning board recommendation |
| 2 A That's correct. | 2 and that's Exhibit 21 and they are recommending |
| 3 Q In your opinion, would the operation of | 3 approval. And we have the technical staff report |
| 4 the animal boarding facility have an adverse affect | 4 recommending approval. |
| 5 on the other people in the building from a -- a | 5 The record will be, as required, held |
| 6 noise point of view? | 6 open for ten days, at which point once the record's |
| 7 A No, it would not. Even without those | 7 closed I have 30 days to issue a decision. And in |
| 8 recommendations I don't think it would have negative | 8 terms of technically admitting exhibits, Ms. Robeson |
| 9 impact on the surrounding spaces. | 9 Hannan, is there anything else I need to do with |
| 10 Q Before we started today I kind of asked | 10 that or are they -- once they're accepted and on to |
| 11 Dr. Levy -- well, how -- how are cats rated in the | 11 the website, are they deemed admitted or? |
| 12 animal world in terms of noise makers? I mean, is | 12 MS. ROBESON HANNAN: No, we just at the |
| 13 there a professional opinion on that subject? | 13 end of the day say does anyone have objections to |
| 14 A Yeah, I don't have all the right data for | 14 submitting everything in the record as an exhibit. |
| 15 cats. We -- we usually only have data for the | 15 MS. LEWINTER: So having no opposition, |
| 16 noisier things, so you hear about dogs all the time. | 16 I'm assuming you're asking for all the exhibits to |
| 17 But never -- I don't -- no one ever mentions cats. | 17 be admitted? |
| 18 MR. KLINE: Ms. LeWinter, that does | 18 MR. KLINE: I would so make that request, |
| 19 conclude my examination of Mr. Uhrlich. If you have | 19 yes. |
| 20 any questions for him, I'm sure he'll be glad to | 20 MS. LEWINTER: Well, they are deemed |
| 21 answer them. | 21 admitted. |
| 22 MS. LEWINTER: I did not. Ms. Robeson | 22 I hope I've covered everything. Please |
| 23 Hannan, did you have anything for Mr. Uhrlich? | 23 weigh in if I have not. But thank you for making |
| 24 MS. ROBESON HANNAN: No, I didn't, | 24 this entry into Montgomery County very |
| 25 thanks. | 25 straightforward. And if there's nothing else, then |

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CERTIFICATE OF COURT REPORTER
I, Jesse Greer, the officer
before whom the foregoing proceedings were taken,
do hereby certify that said proceedings were
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