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# Transcript of Hearing 

Date: August 11, 2022
Case: CU 22-08; Aidin Hassanloo Group Day Care

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| 1 PROCEEDINGS | 1 in support or opposition. Mr. Jim Benson. |
| 2 MS. LEWINTER: Started. Can everybody hear me? | 2 MR. BENSON: Yes. I'm here, and in opposition. |
| 3 MS. ROSENFELD: Yes. I can. This is Michelle | 3 MS. LEWINTER: Thank you. Mr. John Gail. You |
| 4 Rosenfeld. Okay. | 4 have to unmute. Sorry, you have to unmute. |
| 5 MR. AMINIZADE: Yes. I can hear you. | 5 MR. GAIL: I am here and in opposition. |
| 6 MS. LEWINTER: Okay. Great. And I hope | 6 MS. LEWINTER: Thank you. The Citric home, |
| 7 everybody is aware that this is being recorded. You | 7 that's how it's identified on the tile. |
| 8 should have seen a notification on your screen. Okay. | 8 MS. CITRIC: Yeah. I'm here, Mary Beth Citric, |
| 9 So this is a public hearing in the matter of OZAH case | 9 and in opposition. |
| 10 CU-2208, the application of the Aidin -- can I ask | 10 MS. LEWINTER: Okay. Mr. Spiegel, can you |
| 11 everybody to be on mute, please. Everybody please mute. | 11 unmute, sir? |
| 12 Thank you. | 12 MR. SPIEGEL: I am here and I'm in opposition. |
| 13 As I was saying, this is the application of | 13 MS. LEWINTER: Thank -- thank you. Okay. |
| 14 the Aidin Hassanloo Group Daycare to permit the | 14 Maggie, and I apologize I can't see your last name, |
| 15 conditional use of a group daycare of nine to 12 , | 15 something with the B-r-e. Ms. Maggie. |
| 16 excuse me, nine to 12 -- can everybody please be on | 16 MS. BREE: Hi. Yes. Present. I'm Maggie Bree |
| 17 mute? Thank you. Can everybody please be on mute? Mr | 17 and I am in opposition of the applicant. |
| 18 Gal ? | 18 MS. LEWINTER: Thank you. Kenny Fried. |
| 19 MR. GAL: Yes. | 19 MR. FRIED: Yes. I'm here and I'm in |
| 20 MS. LEWINTER: You're not on mute. Can you | 20 opposition. |
| 21 please mute? | 21 MS. LEWINTER: Thank you. Miguela something |
| 22 MR. GAL: Hold on. Okay. | 22 with an M. |
| 23 MS. LEWINTER: All right. I don't know that | 23 MS. MIGUELA: I am actually -- I don't |
| 24 you are, but at least it's quiet. I apologize. It's | 24 actually have an opinion. I'm just joining. |
| 25 just hard with so many people on. If not everybody's -- | 25 MS. LEWINTER: Thank you. Ms. Horseley? |
| 6 |  |
| 1 MR. GAL: I'm on mute. I don't understand, but | 1 MS. HORSELY: Yes. I'm here and I am in |
| 2 how can I hear what's going on? | 2 opposition. |
| 3 MS. LEWINTER: You're just going to be muted. | 3 MS. LEWINTER: Thank you. Ms. Burn. |
| 4 We can -- you can hear us. There should be a little mic | 4 MS. BURN: I'm just observing. Thank you. |
| 5 on your screen. Thank you. Okay. Unfortunately, I'm not | 5 MS. LEWINTER: Okay. Mr. Keen? |
| 6 the host of the meeting, so I don't have the ability to | 6 MR. KEEN: Yeah. I'm here. I support it. |
| 7 mute everybody. | 7 MS. LEWINTER: Thank you. Now I also have -- |
| 8 And I apologize, it's just the only way to | 8 Mr . Spiegel, if you could go back to being on mute, I'd |
| 9 conduct it with this many people on the -- on the call. | 9 appreciate it. Mr. Gold. |
| 10 So let me start again. This is a public hearing in the | 10 MR. SPIEGEL: I apologize. |
| 11 matter of O-Z-A-H case number CU-2208, the application | 11 MS. LEWINTER: Mr. Gold |
| 12 of Aidin -- Aidin Hassanloo Group daycare to permit the | 12 MR. GOLD: I'm here in opposition. |
| 13 conditional use of a group day of nine to 12 children | 13 MS. LEWINTER: Okay. I have a couple of phone |
| 14 under section 59.4.4D in the R60 zone. | 14 numbers. There's one that ends in 18. |
| 15 My name is Andrea LeWinter, and I'm serving as | 15 MS. ALVAREZ: Yes. This is Maria Agnes Alvarez |
| 17 take evidence and write a decision regarding the case. | 17 MS. LEWINTER:Thank you. And I have a phone |
| 18 I see we have the petitioner applicant present. Mr. | 18 number that ends in 79. |
| 19 Mehdi [ph], is that just you or is there more than one? | 19 MS. ROLAND: Yes. This is Peru Roland and I'm |
| 20 MR. AMINIZADE: Yes. Just me. | 20 here in opposition. |
| 21 MS. LEWINTER: Okay. I also [inaudible] | 21 MS. LEWINTER: Thank you. I think I've gotten |
| 22 Rosenfeld who I know is representing Ms. Murphy and | 22 everybody. If I missed you, can you please unmute and |
| 23 there are a number of other individuals. If I could -- | 23 introduce yourself? |
| 24 I 'm going to just call out your name if I see you on my | 24 MR. KHAN: Yeah. My name is Farouk Khan. I |
| 25 screen, and if you could just identify whether you are | 25 have some concerns I would like to share, and results |


| 9 | 11 |
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| 1 of which I would I think I opposed. Thanks. | 1 with, again, an opportunity for cross examination. |
| 2 MS. LEWINTER: All right. Thank you. Is there | 2 Presentations by any other interested parties and cross |
| 3 anyone else? Okay. | 3 examination rebuttal by the applicant and -- and cross |
| 4 MS. MURPHY: Ms. Rosenfeld -- Ms. LeWinter, | 4 examination, if that's appropriate and then closing |
| 5 I'm not sure if I need to identify myself, Celeste | 5 statements by each side, again, that's optional. |
| 6 Murphy, since I'm with Michelle Rosenfe | 6 Approval of the petition is based on the |
| 7 MS. LEWINTER: I appreciate you doing that. | 7 criteria set forth in the zoning ordinance, which is |
| 8 That's fine. | 8 included in the planning staff report, which is Exhibit |
| 9 MS. MURPHY: Thank you. | 9 18. Please address all testimony to this criteria. |
| 10 MS. LEWINTER: Okay. I'm -- I'm going to | 10 I do want to note that the affidavit of |
| 11 circle back to this. Obviously, everybody is -- who's | 11 posting is in the record and that is Exhibit 14. So |
| 12 here is considered a party and is free to testify and | 12 before we begin with actual case presentation, are |
| 13 to cross examine witnesses. Excuse me. But I will ask | 13 there any procedural matters that we should address at |
| 14 people to be mindful trying not to be repetitive since | 14 the outset? |
| 15 there are so many people. | 15 AUTOMATED: Hi there. Welcome to Microsoft. |
| 16 So if -- if you have heard your concerns | 16 MS. LEWINTER: Thank you, Ms. Rosenfeld. |
| 17 voiced I ask you to try and limit your testimony. You | 17 MS. ROSENFELD: Yes. Thank you. There -- there |
| 18 can just say you're agreement with prior opposition, or | 18 are several procedural things I'd like to raise first. |
| 19 you don't need to. This is -- this is not a popularity | 19 Just in terms of the order presentation I'd -- I'd like |
| 21 This is supposed to be decided on the -- on | 21 number of the witnesses here have been identified in |
| 22 the facts and the law. So, you know, simply having | 22 our pre-hearing statement as witnesses for Ms. Murphy, |
| 23 cumulative testimony is -- is not going to change the | 23 and we have coordinated testimony so that it's not |
| 24 outcome. So I do ask people to be mindful of that as we | 24 duplicative and each one has a specific topic. |
| 25 move forward. | 25 I -- I will identify them not necessarily in |
| 10 | 12 |
| 1 Okay. As everybody is aware, these proceedings | 1 the order that they'll be called. Mr. Benson, Mr. Gill, |
| 2 are remote and we're using the Microsoft Teams | 2 Mr. Fried, Ms. Horseley, Agnes Pats and Mr. Khan. And |
| 3 platform. So please, because of the construct of this | 3 so the remaining witnesses who are here independently I |
| 4 hearing being virtual, do not interrupt while someone | 4 -- I -- I'd like to be able to present my witnesses as |
| 5 else is speaking unless you have an objection. | 5 a group just in terms of the way you organize the |
| 6 This is because it is very difficult for the | 6 witness testimony that morning. |
| 7 court reporter to understand what people are saying | $7 \quad$ And I don't know if it's possible, but for the |
| 8 when there is crosstalk. Please use the raise hand | 8 witnesses that are here independently, if it's possible |
| 9 option whenever possible. You should see that at the | 9 to testify [inaudible] so that they don't have to sit |
| 10 top of your screen. | 10 here all day. That's -- |
| 11 As I stated at the beginning, this session is | 11 MS. LEWINTER: I'm sorry, Ms. Rosenfeld, you |
| 12 being recorded. It is being recorded by both the court | 12 -- you're very faint. I don't know if other people are |
| 13 reporter and by the Microsoft Team platform. The Team | 13 having that issue, and you're dropping out a little |
| 14 recording is used only as a backup for the reporter. | 14 bit . I do notice that our individuals on the phone none |
| 15 But please be mindful that what you say will | 15 of them are muted. So if you're on the phone, if you |
| 16 be under oath and will be recorded. You may be asked | 16 could mute yourself, I think that would help with |
| 17 question -- questions about your testimony and the | 17 clarity. |
| 18 proceedings will move in the following order. | 18 MS. ROSENFELD: Okay. I just -- just wondering |
| 19 We will see if there's any preliminary motions | 19 if it's possible for the independent te -- witnesses to |
| 20 or issues before we start, then each side may give an | 20 testify earlier in the proceeding so they don't have to |
| 21 opening statement if you desire. That's not required. | 21 sit here all day, but you know, I leave that to you. |
| 22 The applicant will then have the opportunity to present | 22 I'm just -- I would have no objection to them |
| 23 their case in chief with the opportunity for cross | 23 testifying out of order. |
| 24 examination by opposition. | 24 As -- as a procedural matter we did raise, in |
| 25 Then there will be opposition case in chief | 25 our pre-hearing statement, objections to the deficiency |


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| 1 of the application materials themselves, and I'm not | 1 say that he couldn't hear miss Rosenfeld very well, but |
| 2 going to reiterate them here. They are already in | 2 to the extent there shouldn't be -- that one instance |
| 3 writing. But I am going to renew my objection to moving | 3 was certainly appropriate, but -- but please don't be |
| 4 forward without the applicant having provided a | 4 chatting to each other during the hearing if it can be |
| 5 pre-hearing submission. | 5 avo |
| 6 And the 3.0 does say that the applicant must | $6 \quad$ It's very difficult for me to track the chat |
| 7 file a pre-hearing statement within 30 days of the | 7 and monitor the hearing. So it's probably not the best |
| 8 hearing date, and it needs to include a statement of | 8 way to -- to reach me. The kind of raise hand feature |
| 9 the grounds for approving the application, copies of | 9 is going to work a little bit better for that. Are |
| 10 all reports, the name of all expert, the identity of | 10 there any other preliminary matters beyond those noted |
| 11 all other witnesses and an estimated time required for | 11 by Ms. Rosenfeld? Okay. I -- I did hear what you're |
| 12 presentation. | 12 saying, Ms. Rosenfeld, about how to structure the |
| 13 That pre-hearing submission was not provided | 13 hearing. |
| 14 in the record and so we don't have the benefit in | 14 I am going to let the applicant start. I -- I |
| 15 particular of the statutory standards that the | 15 am -- I am a bit concerned letting, because we have so |
| 16 applicant intends to prove. The -- the oppositions pre- | 16 many individuals testify before your opposition case, |
| 17 hearing submission, which requires a submission if the | 17 particularly as an attorney who's tried to kind of |
| 18 opposition is represented by counsel, and it is. There | 18 synthesize some of this. |
| 19 is not a parallel requirement for the applicant. | 19 So my inclination is actually to let you go |
| 20 The applicant is required to submit a pre- | 20 first as I think it may avoid some duplication, but we |
| 21 hearing submission, whether or not represented by | 21 can readdress that after the applicant has concluded |
| 22 counsel. So I would like to renew our objection. I do | 22 his case. So I'm going to ask the applicant, if there's |
| 23 think that we are prejudiced in our inability to have | 23 no other preliminary matters, if you'd like to give any |
| 24 the specific parameters of the proof that the applicant | 24 kind of opening statement. |
| 25 do present today. And I just wanted to note that for | 25 MR. AMINIZADE: Thank you so much for all of |
| 14 | 16 |
| 1 the record as a preliminary matter. | 1 you and yeah, I actually have prepared something. |
| 2 MS. LEWINTER: I appreciate that Ms. | 2 Actually, there is an introduction about our project |
| 3 Rosenfeld. I did read that in your pre-hearing | 3 and actually I have addressed some of the concerns that |
| 4 statement. I did consult with Ms. Robson Hanon about | 4 actually raised by our neighbors. |
| 5 that. It was my understanding, from her, that because | $5 \quad$ I'm not sure if I need to explain all of them |
| 6 the applicant is not represented by counsel that that's | 6 actually now or no. Just I need to actually [inaudible] |
| 7 not a requirement. I -- I understand your reading of | 7 to an introduction, short introduction, and then we'll |
| 8 the rule. | 8 -- for the rest of my actually proposal, but anything |
| 9 So what -- what I am prepared to do, because I | 9 you think is more convenient -- |
| 10 think it -- it is a bit misleading the way it's | 10 MS. LEWINTER: Sir? |
| 11 drafted, is that if at any point you -- you can | 11 MR. AMINIZADE: -- we can do that. Yeah. |
| 12 articulate a -- a specific way in which you're pres -- | 12 MS. LEWINTER: Okay. Yeah. So, I mean, I -- I |
| 13 prejudiced, I would certainly be willing to keep the | 13 don't want to give you too much direction, but |
| 14 record open if you need to bring an extra expert or -- | 14 typically the purpose of an opening statement is to |
| 15 or other information that you were not anticipating or | 15 provide an overview, brief introduction overview as to |
| 16 expecting that's beyond the scope of what's already | 16 what you're going to be presenting in your case in |
| 17 been presented in the -- in the information that the | 17 chief. It's not your actual testimony. So if you can |
| 18 applicant has submitted before the hearing. | 18 differentiate between what you're going to be |
| 19 MS. ROSENFELD: Thank you. And that -- that | 19 presenting as actual testimony and an overview |
| 20 would be the relief that I would ask for that we have <br> 21 the opportunity to submit post hearing and as approved. | 20 statement, that would be appreciative. 21 OPENING STATEMENT |
| 22 So thank you. I appreciate that. | 22 MR. AMINIZADE: Sure. Actually I -- first I |
| 23 MS. LEWINTER: You're welcome. I do want to | 23 actually will explain our daycare, our job, and then |
| 24 just caution people. I did see Mr. Con use the chat, <br> 25 which I appreciate in this particular instance just to | 24 actually I explained the -- how actually is about the |
| 25 which I appreciate in this particular instance just to | 25 -- our expansion and about actually what we are going |


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| 1 to do with the -- this expansion. And then I will | 1 actually thinking we are -- thinking about that and |
| 2 actually address some of the consent that my -- their | 2 that's the reason all of us are here. And actually, I |
| 3 neighbors actually raised during this -- the last | 3 really appreciate all of you, either you support our |
| 4 month. | 4 case or oppose that. |
| 5 MS. LEWINTER: Okay. Thank you. Ms. Rosenfeld, | 5 And re---regardless the result of this |
| 6 did you want to give an opening statement? | 6 meeting, I want to actually say to you that we will try |
| 7 MS. ROSENFELD: Just very brief. Thank you | 7 our best to actually don't disrupt the neighborhood and |
| 8 very much. I -- I'm not going to walk through our case | 8 don't actually do anything about -- that's actually |
| 9 in full. | 9 cause those kind of disruption. |
| 10 I -- I just note that from our perspective the | 10 And again, I -- and also, I want to thank to |
| 11 witnesses that we present will demonstrate that the | 11 all of our neighbors which actually didn't say any |
| 12 applicant has not established factual -- factual basi | 12 complaint about our daycare during these three years |
| 13 to support the findings necessary to approve the | 13 which we have operated this daycare. And since there |
| 14 application, that as a result of non-inherent and | 14 are some misunderstanding about us and about this |
| 15 inherent character adverse effects, that there will be | 15 project, I want to explain more about them and about -- |
| 16 adverse effects with respect to the use, peaceful | 16 about ourselves and about this project. |
| 17 enjoyment, economic value of abutting properties and | 17 We are a family with two kids and moved to |
| 18 confronting properties. | 18 this house in September 2018, and we started this |
| 19 That there will be an adverse unique effect | 19 daycare in March of the next year, which is 2019. And |
| 20 for noise, and that there will be an adverse effect on | 20 we're not an LL---LLC who purchased this house in 2021 |
| 21 the, in particular safety of neighboring residents and | 21 with the intention of actually running group daycare |
| 22 visitors in -- in the immediate and broader committee. | 22 here. |
| 23 I, the -- and -- and we will go through those elements | 23 We've been living here since we had a small |
| 24 as we present our case, but that's a summary of what we 25 expect to be able to. | 24 kid or daughter, and actually my wife had a, actually, 25 experience in teaching. After that she actually thought |
|  | 20 |
| 1 MS. LEWINTER: Thank you. Ms. Rosenfeld, I'm | 1 that it'll be a actually opportunity for her to |
| 2 still -- I can -- I can hear you, but it's very soft. | 2 actually have our daughter in the house and start this |
| 3 MS. ROSENFELD: Okay. | 3 business. |
| 4 MS. LEWINTER: That's better. Like maybe when | 4 So -- and right now our license actually is |
| 5 -- I don't -- I don't -- | 5 for eight kids, including our four and half years old |
| 6 MS. ROSENFELD: Is it better when I speak up? | 6 daughter. We basically are allowed to have only seven |
| 7 MS. LEWINTER: Yes. Definitely. | 7 kids from community until actually next $\mathrm{Fe}-$ - next |
| 8 MS. ROSENFELD: Is that -- is that better? | 8 February, which my daughter will turn to five, and |
| 9 Okay. All right. I -- I -- I will speak up then. Thank | 9 after that we'll be allowed to have one more kid in our |
| 10 you. | 10 daycare. |
| 11 MS. LEWINTER: Okay. No problem. Is there | 11 And right now, actually we want to transfer |
| 12 anybody else who would like to give an opening | 12 our small home daycare to actually the large home |
| 13 statement or overview statement? And you can raise your | 13 daycare. And actually it's -- as you know the home |
| 14 hand if that's the case. Just looking. Seeing none, I | 14 daycares are separated to small and large. And after |
| 15 will then defer to the applicant to put forward your | 15 that actually the big centers are completely different |
| 16 case, sir. Where did he go? | 16 from the home-based daycare. |
| 17 MR. AMINIZADE: Hey, can you hear me? | 17 And actually, our next step is not seeking any |
| 18 MS. LEWINTER: Yes. | 18 actually exception for 13 to 30 children daycare here. |
| 19 DIRECT OF WITNESS MEHDI AMINIZADE | 19 Actually, our plan is only to increase capacity from |
| 20 MR. AMINIZADE: Okay. First of all, I want to | 20 eight to 12 and our house actually doesn't meet the |
| 21 thank all of you my dear neighbors, dear hearing | 21 child office requirement for having more than that. |
| 22 examiner, Mrs. LeWinter and other -- her coworkers. I'm | 22 Also, the fire department actually also requires a fire |
| 23 very glad actually to be here in this meeting which | 23 sprinkler system, which our house doesn't have that. |
| 24 shows all of us have something in common. | 24 So we don't want to actually increase this |
| 25 Our neighborhood safety, its character, it's | 25 daycare more than 12 kids, but actually, we are |


| 21 | 23 |
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| 1 thinking at one day we open in -- out our house, | 1 MS. LEWINTER: Can you tell me which -- which |
| 2 somewhere in the neighborhood we actually want to have | 2 exhibit? |
| 3 a center and actually this -- this step actually | 3 MR. AMINIZADE: Let me see the, just the |
| 4 increasing the -- from eight kids to 12 kids would be a | 4 example one. |
| 5 actually important step to do that. | 5 MS. LEWINTER: Well, Exhibit 1 is the |
| 6 And finally, we don't want to sell this house | 6 conditional use application, so. |
| 7 to another business. We are raising our kids here. My | 7 MR. AMINIZADE: No. No. I know. Let me -- l |
| 8 son used to attend at Bradley Hills Elementary School, | 8 me go through there. Okay. Let me go. Okay. Exhibition |
| 9 and now he's actually in -- he's attending in Pile | 9 Number 50. |
| 10 Middle School. Our daughter soon goes to the Bradley | 10 MS. LEWINTER: 50 or 15? |
| 11 Hills Elementary School, and both of our kids actually | 11 MR. AMINIZADE: 50. 5-0. |
| 12 have some roots here. | 12 MS. LEWINTER: Hold on. |
| 13 They have made some friends here and we don't | 13 MR. AMINIZADE: It -- it says house value |
| 14 actually want to sell this house to -- and to the | 14 number one. |
| 15 business. We love this neighborhood and actually we | 15 MS. LEWINTER: Okay. Hold on. |
| 16 want to be here. Okay. Let's move on about our concerns | 16 MR. AMINIZADE: I can share my screen if -- |
| 17 that actually raised from our dear neighbors during | 17 MS. LEWINTER: No, no, it's fine. Can you see |
| 18 this -- actually this one month. | 18 it? |
| 19 I actually want to address four main concerns | 19 MR. AMINIZADE: Yes. Yeah. I can see it. Okay. |
| 20 about the community. The first concern was about house | 20 As I see here, this is -- this is a -- actually I have |
| 21 values, another concern is about the character of the | 21 another map, but I'm not -- I'm sure all of you are |
| 22 neighborhood. The third one is actually noises and most | 22 aware of which house this is. This is actually the 5901 |
| 23 important, and last things it's the safety that's very | 23 Madison Street. This house is actually in front of the |
| 24 important for actually all of us. | 24 school, which is very close to the Bradley Hills |
| 25 About the value of houses that actually it's | 25 Elementary School and basketball court. |
| 22 | 4 |
| 1 been one of the main concerns in our actual community | 1 And the -- actually the facility that the |
| 2 and neighbors. I actually, I'm not a very -- if there | 2 Bradley Hills Elementary School Daycare used that, and |
| 3 is a valid actually research that shows correlation | 3 it's very close that. As you see here in 6/11, this |
| 4 between the home daycares of the prices. | 4 house listed for sale, and four days later, in $6 / 15$, |
| 5 I actually read one article, which published | 5 actually, it's sold out and the price is almost 100,000 |
| 6 by an appraiser in New Jersey four years ago, but | 6 expensive that the actually seller asked. And the -- |
| 7 besides that I'm -- I didn't see actually any reliable | 7 another example is the house value number two. |
| 8 research that shows this correlation, especially, in | 8 MS. LEWINTER: Okay. |
| 9 actually, our neighborhood. Which is actually, the -- | 9 MR. AMINIZADE: It is 51, right after that. |
| 10 the Bradley Elementary School is here and Suburban | 10 Yeah. That's this one. This house actually is -- it is |
| 11 Hospital is not very far from here. It's here. | 11 very close, even closer than, our actually house, to |
| 12 And actually, I don't think actually so the -- | 12 Bradley Hill's Elementary to actually -- sorry, north |
| 13 when the Bradley Hills Elementary School and the | 13 it is the middle school I think so. Let me -- let -- |
| 14 Bradley Park here and all of the -- the basketball | 14 let me make sure. Yeah. North it is the middle school |
| 15 court and all of those facilities -- facilities around | 15 and it's next to smart kids learning center, bilingual |
| 16 the Bradley Elementary school actually are here adding | 16 learning center. |
| 17 four more kids to a small daycare would actually have | 17 Actually, it is the -- the -- they are |
| 18 that -- such actually big impact in the housing prices. | 18 completely besides each other and they actually attach |
| 19 I want to share my screen and show you three examples | 19 together, those two property. And as you see here, this |
| 20 of the houses. | 20 house -- and by the way that center, that daycare that |
| 21 MS. LEWINTER: I -- I can share my screen. I'm | 21 I just mentioned, the Smart Kids. It is closer than our |
| 22 assuming this is one of the exhibits that you've | 22 actually daycare to the middle school, north of the |
| 23 submitted. | 23 middle school, and they actually have the 12 kids in |
| 24 MR. AMINIZADE: Yeah. Yeah. You can share that | 24 actually that daycare. |
| 25 exhibit. | 25 And it is very completely similar the |


| 25 | 27 |
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| 1 situation we -- we want to be in the future. So this | 1 with you that this is simply your opinion, your |
| 2 house, as you see here, in September 2 they listed for | 2 testimony. |
| 3 the sale and the day after, one day after actually it | 3 It -- it -- it cannot have the weight of an |
| 4 sold out again about 100,000 actually more than the | 4 expert. You have not put forward any credentials that |
| 5 seller actually asked. The third one is -- is very | 5 would signal that you have any expertise in this area. |
| 6 close to us actually. The Exhibition Number 3. | 6 So I can -- you know, I -- I've listened to what you |
| 7 Yeah. This house actually, it's 8715 Garfield | 7 said but I can only give it the weight that this is |
| 8 Street, which is very close to our house. As we see | 8 your personal opinion, so you can understand. |
| 9 here, this house actually again, listed in September 17 | 9 MR. AMINIZADE: Sure. I don't -- I don't say |
| 10 and sold out in September 23. Again, about price, I | 10 anything about my personal actually opinion, but -- and |
| 11 think, yeah, its 200,000 about price seller asked. And | 11 I didn't actually -- I just showed you three cases. You |
| 12 at that time actually, we had this daycare here. | 12 can actually -- I -- I just actually want to brought |
| 13 So those three example, I think, shows and I | 13 your attention to those three houses that they have |
| 14 -- I actually don't want to show more example, but I'm | 14 sold here. I didn't actually appraise them. I didn't |
| 15 pretty sure it is not actually the -- this adding four | 15 put any value of them. I only actually told you these |
| 16 kids won't actually have effect in the housing prices | 16 houses were sold in [inaudible]. |
| 17 And about, actually, the character of the | 17 MS. LEWINTER: And I -- I appreciate that. I |
| 18 neighborhood that it is the -- another concern that | 18 guess what I -- what I'm speaking to is your -- your |
| 19 ways during this one month we don't -- we haven't -- we | 19 conclusion that -- that -- that having a home near a |
| 20 don't have miss -- I think Ms. Rosen have something to | 20 daycare doesn't impact property value. That is only |
| 21 say, but I'm not sure if she wants to say now or later | 21 your opinion as a lay person. Does that make sense? |
| 22 MS. LEWINTER: So hold on one second. Sorry | 22 MR. AMINIZADE: Yes. I -- I agree with that. |
| 23 Trying to get [inaudible]. There we go. My apologies. | 23 Yeah. |
| 24 Hold on. Sorry everybody. Okay. | 24 MS. LEWINTER: Okay. If we can continue. |
| 25 MS. ROSENFELD: Ms. LeWinter, you don't -- you | 25 MR. AMINIZADE: Yeah. Yes. We -- and about the |
| 26 | 28 |
| 1 don't need to pull the exhibit down, if you can hear | 1 houses, the character of the neighborhood, we don't -- |
| 2 me. | 2 actually we haven't had any sign in front of our |
| MS. LEWINTER: Yeah. | 3 daycare. It is -- it is a house, a single-family house, |
| 4 MS. ROSENFELD: I -- I -- I would -- I simply | 4 and we are working here as well, and we don't want to |
| 5 would like to note an objection for the record. | 5 put -- put any sign again here. And we mostly get our |
| 6 MS. LEWINTER: Sure. If you can just, again, | 6 parents from the social media and we don't actually |
| 7 speak up a little bit. | 7 want to sign here or make any changes in our houses and |
| 8 MS. ROSENFELD: Certainly. And please remind | 8 from the -- the -- actually the -- our houses. |
| 9 me anytime you can't hear me. | $9 \quad$ And we don't want to actually make anything |
| 10 MS. LEWINTER: Okay. | 10 that change the character of the neighborhood. And the |
| 11 MS. ROSENFELD: I -- I would like to note an | 11 third, actually concerns that I heard from my dear |
| 12 objection for the record. To the extent the applicant I | 12 neighbors is about the noises. |
| 13 purports to testify about property values or | 13 I admit actually having a daycare will when |
| 14 appraisals, he is not an expert. Those -- that kind of | 14 the -- the kids actually are playing outside they will |
| 15 testimony falls squarely within expert testimony and | 15 make some noises but about the noises we -- I want to |
| 16 Maryland Law is clear that a lay person is not | 16 actually you to notice we are living very close to the |
| 17 qualified to opine on property values or raised values. | 17 Bradley Hills Elementary School and Bradley Hills Park, |
| 18 And so I -- I -- I object to the testimony being | 18 which has more than 600 kids. |
| 19 presented by the applicant on this topic. | 19 And the -- there are always some ceremony, or |
| 20 MS. LEWINTER: Hold on. Mr. Mehdi, do we need | 20 something like that in the -- the park, and a lot of |
| 21 -- can I stop the screen share? | 21 people actually are attending at those meetings and on |
| 22 MR. AMINIZADE: Yes. You can. | 22 those actually ceremonies. And also, we are very close |
| 23 MS. LEWINTER: Okay. What I'm going to do, | 23 to Suburban Hospital, which daily actually we can hear |
| 24 with respect to Ms. Rosenfeld's application is, or | 24 the ambulances going and all of those noises. |
| 25 application, objection, excuse me, is just to be clear | 25 And, yeah, and -- but -- and on top of that, |


| 29 | 31 |
| :---: | :---: |
| 1 we actually when -- if we actually we expand this | 1 MR. AMINIZADE: Yeah. Yeah. That is fine. |
| 2 daycare to 12 kids, they -- we will actually divide | 2 Yeah. That's good. As you see, Bradley Hills Elementary |
| 3 them to two group. They cannot actually be in one | 3 School, you can see the Bradley Hills elementary school |
| 4 group, and we actually don't bring all of them to the | 4 here, and we actually are, sorry about that, we are in |
| 5 backyard at the same time | 5 the border of the -- the actually Bradley Hills |
| 6 So we we -- we won't have any time more than | 6 Elementary bounda |
| 7 eight kids in the backyard, even though we might have | 7 So most of the -- most of the kids are com |
| 812 kids in this daycare, but since they are, they will | 8 to the Bradley Hills Elementary School have another and |
| 9 actually separate to two different groups. And in our | 9 better ways to come to the Bradley Hills School. All of |
| 10 actually schedule we will make sure that never out all | 10 those actually are coming from the -- the north. |
| 11 of those kids in the backyard together. | 11 They -- they don't need to use actually our |
| 12 And the -- the last thing that is actually the | 12 daycare, which our actually street, which I -- it is |
| 13 -- about the safety is very important. I -- in actually | 13 here with the -- the register as we see here. The |
| 14 our statement we actually told about the -- the time -- | 14 register here. A lot of them actually are using other |
| 15 timing of the daycare. And first of all the main | 15 ways to come her |
| 16 actually things that the -- I heard from the neighbors | 16 And if you see my -- the -- the blue actually |
| 17 is because of this -- the Bradley Hills Elementary | 17 circle, if you see the blue circle, those families |
| 18 School is here. | 18 might actually use the Greentree and Hempstead Avenue |
| 19 So a lot of people are coming here, a lot of | 19 in front of our house and go to the Bradley Hills |
| 20 cars are coming here and they adding four more cars | 20 Elementary School because the -- the all parents don't |
| 21 actually will cause more traffic and it will actually | 21 need to use actually -- they don't need to make their |
| 22 cause safety problems. First of all, I want to say | 22 way very longer and come -- actually, and come to our |
| 23 about that, the Bradley Hills Elementary School opens | 23 house and then go to the Bradley Hills Elementary |
| 24 doors at 8:45, I think so, and they -- the kids | 24 School. |
| 25 actually will come after 8:45 to 9:00, I think so. | 25 And if you see, if you can please the -- the |
| 30 | 32 |
| 1 And at that time, most of, actually our kids | 1 next Exhibition Number 49, the HES cars entrance. No, |
| 2 are in the daycare. As you know, the -- the -- actually | 2 no, no, not -- yeah. Here is it -- here actually the |
| 3 the reason the people actually send kids to the daycare | 3 Bradley Hills Elementary School has three different |
| 4 is they actually want to go to their offices. And -- by | 4 actually three different entries. This one is, which is |
| 5 -- by that time most our parents actually, our parents | 5 actually in Rock Stone is for the kids who actually are |
| 6 and our kids actually are in the daycare and the -- the | 6 coming with the car mostly. |
| 7 kids are here. | 7 As we see here, this one way narrow, they come |
| $8 \quad$ At that time, that the all traffics are coming | 8 from the other side of the walk stone and make a line |
| 9 and going, we don't have too much cars over there in | 9 over there and to -- to the -- the direction of the |
| 10 our actually proposal. We have one -- we actually | 10 Brad Moore and stay here until eight, about 8:45 at -- |
| 11 predict, one kid coming here about $8: 30$ to $8: 45$, | 11 at that time the door will open, and they drop off |
| 12 another maybe come from 8:45 to 9:00. <br> 13 So by that time a lot of actually kids are | 12 their kids and come down the actually Rock Stone road. 13 And most of them, since they live on the other |
| 13 So by that time a lot of actually kids are <br> 14 here and we -- and on top of that agreed with the | 13 And most of them, since they live on the other |
| 14 here and we -- and on top of that agreed with the -- | 14 side of the Bradley Hills [inaudible], probably tend to |
| 15 your coworkers then they told us we shouldn't actually | 15 ride and they don't need to come to the left in front |
| 16 have the parents or some here in the daycare during the 17 busy time | 16 of our house. But most of them maybe actually the -17 the less number of them maybe come to this in front of |
| 18 And we actually, as you see in the -- the - | 17 the less number of them maybe come to this in front of 18 our house. |
| 19 the, actually, the report we don't want to have anybody | 19 But that time is after 8:45 and most of the |
| 20 at that time. And another thing is actually is -- can | 20 keys are in the daycare. And if you -- you show please |
| 21 you please -- the exhibition number, let me see here, | 21 in Exhibition Number 54 BHS access way. Okay. As we see |
| 22 the number 48, BHES boundaries. Can you please bring | 22 here, as I mentioned, it -- it doesn't make sense if |
| 23 that? Yeah. Just - | 23 someone wants to go to -- to actually come if the car |
| 24 MS. LEWINTER: Can you tell me which part of | 24 and drop off the kids to here, the actually, red arrow, |
| 25 the -- | 25 which is -- shows the Bradley entrance. |



1
MS. LEWINTER: Well, I'm going to give Ms. Rosenfeld the opportunity to ask cross examination questions if she'd like, and then other participants. CROSS EXAMINATION
MS. ROSENFELD: Thank you. I -- I do have some questions. If we could first bring up Exhibit 9, the existing conditions plan, please.

MS. LEWINTER: Sure. Just give me one second. Can you see everything that you need to see?

MS. ROSENFELD: Yes. Thank you. I can. My question is whether or not -- my understanding is that this was part of the original application. Is that true? My -- and my question is for the applicant.

MR. AMINIZADE: Yes. It is.
MS. ROSENFELD: And this is an existing conditions plan. Does it accurately show all of the 17 structures that are on your property at this time?

MR. AMINIZADE: Actually, this present -- this 9 actually exhibition is for maybe few months ago when we actually applied for that. After that we actually only built a greenhouse inside our house, which is the -- it is a wooden structure in backyard.

It is for plants, some tomatoes and vegetable, 4 something like that, which is actually not -- is not a successful project because the schools are digging down that and we might don't need that anymore. So, you know, that, we added actually that after that and besides that everything is here.

MS. ROSENFELD: Would -- would we be able to take -- would we be able to take a look at Exhibit Number 39, please? Does this reflect the structure that you were just describing?

MR. AMINIZADE: Yes. This is.
MS. ROSENFELD: And could you give us a sense 10 of what the dimensions are for that greenhouse?
11 MR. AMINIZADE: Greenhouse? This maybe I think 12 maybe eight, nine feet, something like that?

MS. ROSENFELD: Eight or nine feet long.
MR. AMINIZADE: Long. Yeah. I think so.
MS. ROSENFELD: Okay. And how wide is it?
MR. AMINIZADE: It is maybe six feet.
MS. ROSENFELD: Okay. And height? Can you tell me approximately how tall it is?
19 MR. AMINIZADE: Maybe -- I think it would be 20 maybe seven -- seven feet tall. I'm not sure about the 21 measurement, but it is roughly actually. And I say it 22 is for the planting some vegetable as well there.
23 MS. ROSENFELD: Okay. Thank you. I -- I'm
24 trying to get a sense of the size of the structure.
25 Thank you. I also would like to ask you Ms. LeWinter to

| 37 | 39 |
| :---: | :---: |
| 1 pull up hearing Exhibit Number 5, which is the | 1 MR. AMINIZADE: No. We don't. |
| 2 statement of justification. | 2 MS. ROSENFELD: Do you know what a peak hour - |
| 3 And I -- I have some questions that I'll ask | 3 - an a.m. peak hour means under the Montgomery County |
| 4 about the first page and then I will have some specific | 4 traffic guidelines? |
| 5 follow up questions farther down in that exhibit. This | 5 MR. AMINIZADE: I think it's after 8:30 until |
| 6 statement of justification is dated December 7th, 2021. | 6 I think -- I think it's after 8:30 until about 4:30 or |
| 7 Can you tell me who prepared this document? | 7 5:00 in the afternoon. |
| 8 MR. AMINIZADE: Yeah. Actually, I prepared | 8 MS. ROSENFELD: And do you know under the |
| 9 t | 9 guidelines what the evening peak hour times are? |
| 10 MS. ROSENFELD: Okay. And if we scroll down | 10 MR. AMINIZADE: About the -- I don't know |
| 11 it's unsigned, and that's why I was asking, if we | 11 about the community, but about the Bradley Elementary |
| 12 scroll down there are two -- let's see. Another couple | 12 School, I know the actually the pick-up time is around |
| 13 of pages please. See if I can tell you which page | 13 3:00 p.m. |
| 14 If -- if we could go to the page that has the | 14 MS. ROSENFELD: Have you ever reviewed the |
| 15 heading arrival departure pat- --patterns, there's not | 15 Montgomery County traffic guidelines that apply to how |
| $16 \mathrm{a}--$ they're not page numbers, but I'm looking for the | 16 you evaluate a.m. and p.m. peak hour combinations? |
| 17 heading arrival/departure patterns. | 17 MR. AMINIZADE: No. |
| 18 MS. LEWINTER: Do you see that? | 18 MS. ROSENFELD: Have you ever reviewed the |
| 19 MS. ROSENFELD: Yes. Thank you. So the -- | 19 Montgomery County adequate public facilities ordinance |
| 20 there are -- there is analysis here, the drop off time | 20 as it relates to traffic capacity? |
| 21 who -- who observed those drop off times? | 21 MR. AMINIZADE: Actually I -- I actually, I |
| 22 MR. AMINIZADE: That observed by ourselves | 22 said something about that and since I'm not expert I |
| 23 MS. ROSENFELD: Okay. And the pickup times, | 23 don't actually I -- I cannot say I actually completely |
| 24 who -- who observed those? | 24 aware of all of those rules. |
| 25 MR. AMINIZADE: Again, we actually we obs | 25 MS. ROSENFELD: Okay. Ms. Hearing Examiner, |
| 38 | 40 |
| 1 that. Me and my wife. | 1 could we go to the next page please and down further. |
| 2 MS. ROSENFELD: Okay. You and your wife. The - | 2 Okay. And -- and onto the next with res -- if -- if we |
| 3 - the date of these observations says October 30th, | 3 could stop there it. Where the paragraph that reads the |
| 4 2021, which is a Saturday. Are you open on Saturdays? | 4 proposed expansion of the site to 12 students is |
| 5 MR. AMINIZADE: No. We're not. | 5 expected to generate a total of 12 trips during the |
| 6 MS. ROSENFELD: Do you happen to remember what | 6 a.m. and p.m. periods, did you have a traffic engineer |
| 7 day? | 7 do this analysis or is -- is all of this yours? |
| 8 MR. AMINIZADE: | 8 MR. AMINIZADE: No. It's all of this -- this |
| 9 MS. ROSENFELD: I'm -- I'm confused. Could you | 9 mine. |
| 10 explain? | 10 MS. ROSENFELD: Okay. And if we could go to |
| 11 MR. AMINIZADE: Yeah. It was maybe it's -- we | 11 the conclusion paragraph, please? The conclusion says |
| 12 actually it's mistyping over there. It was -- I think | 12 the proposed expansion of the site to 12 students is |
| 13 it was the day before that, which is Friday. | 13 expected to generate less than 50 total weekday peak |
| 14 MS. ROSENFELD: Friday, October 29th? | 14 hour person trips, parens, vehicular transit bicycle |
| 15 MR. AMINIZADE: I think so. Yeah. | 15 and or pedestrian close parens. Did you -- did you do |
| 16 MS. ROSENFELD: Okay. When I go down to the | 16 this analysis under the Montgomery County |
| 17 next section, which is trip generation, you have the | 17 transportation guidelines? |
| 18 trip generation rate estimated during the a.m. and p.m. | 18 MR. AMINIZADE: I had tried to do that, as I |
| 19 peak periods. Can you tell me what the am and peak | 19 know, but as -- as you know, I told you that this is |
| 20 periods are? | 20 not -- I'm not an expert that, but I -- we actually |
| 21 MR. AMINIZADE: A.m. periods are from 7:00 to | 21 sent all of those to the -- the -- the zoning office |
| 22 9:00. And the afternoon it's from 16, mostly to 5:30. | 22 and they reviewed that. And actually, I relied today |
| 23 Sometimes maybe they'll come after 5:30 as well. | 23 actually conclusion in this case. |
| 24 MS. ROSENFELD: Do you have any training as a | 24 MS. ROSENFELD: And the next sentence says |
| 25 traffic engineer or traffic expert? |  |


| 41 | 43 |
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| 1 Do you know what LATR stands for? | 1 recall in the staff report, and I'm looking through it |
| 2 MR. AMINIZADE: I -- I -- I -- I cannot | 2 again that I-- there's significant discussion about |
| 3 remember right now, but I searched about that at that | 3 your request for parking waiver and parking. Okay. |
| 4 time. It is before, very long time ago. | 4 Wait. |
| 5 MS. ROSENFELD: Do you have any factual basis | 5 MR. AMINIZADE: You can see the conclusion. |
| 6 right now to explain why the project is exempt from | 6 Maybe it's where it is. |
| 7 LATR traffic study? | 7 MS. LEWINTER: No. I -- I'm finding it on page |
| 8 MR. AMINIZADE: No. No. I don't. I actually I | 8 12. Yes, page 12 and 13. The staff seem to have relied |
| 9 sent everything to the zoning, and I rely to their | 9 on it. All right. Well I do I -- I appreciate Ms. |
| 10 actually the analysis. | 10 Rosenfeld's objection. And it does raise concerns that |
| 11 MS. ROSENFELD: Ms. Hearing Examiner, I -- I | 11 this is -- this study was not -- was -- was performed |
| 12 object to this traffic analysis. It is another example | 12 simply by you and your wife. So Ms. Rosenfeld, yes. |
| 13 of information that needs to be presented by an expert. | 13 MS. ROSENFELD: Thank you. And if I could just |
| 14 There is no traffic engineer to -- to substantiate | 14 elaborate a tiny bit on -- on my objection now that the |
| 15 these. | 15 staff report has been mentioned, to the extent that the |
| 16 These are very technical, formulaic analysis | 16 staff report relies on the data that was provided by |
| 17 that occurs under both the Montgomery County | 17 the applicant, they -- they accepted that at face |
| 18 transportation guidelines. It goes directly to the | 18 value. |
| 19 heart of adequate public facilities. And again, I -- I | 19 And again, I have concerns that the underlying |
| 20 submit that a layperson is not in a position to -- to | 20 data even in support of the staff's conclusions was not |
| 21 testify as to this. And so I -- I note my objection to | 21 prepared by the requisite expert. So object to the |
| 22 -- to this line of testimony. I have no further | 22 extent that there might be reliance on the staff |
| 23 questions for the witness. Thank you. | 23 conclusions that it's not based on credible factual |
| 24 MS. LEWINTER: Can you hang on one second, Ms. | 24 grounds. Thank you. |
| 25 Rosenfeld? | 25 MS. LEWINTER: Okay. I just want Mr. Mehdi to |
| 42 | 44 |
| 1 MS. ROSENFELD: Sure. | 1 understand that this certainly impacts the -- this -- |
| 2 MS. LEWINTER: Mr. Mehdi, you -- if I | 2 the strength to which that data can be relied upon in |
| 3 understood you correctly you said you -- you performed | 3 making findings to support your application. Ms. |
| 4 all of this analysis and then you sent it to the zoning | 4 Rosenfeld, did you have any other questions? |
| 5 office and you relied on their analysis. Is that an | 5 MS. ROSENFELD: No. Thank you. |
| 6 accurate reflection of what you responded to Ms. | 6 MS. LEWINTER: Okay. I'm going to ask -- oh, I |
| 7 Rosenfeld? | 7 see a number of people. Well, Mr. Spiegel, would you |
| 8 MR. AMINIZADE: Yes, sir | 8 like to ask first? You need to unmute, sir. |
| 9 MS. LEWINTER: What in your understanding was | 9 MR. SPIEGEL: Can you hear me? Can you hear |
| 10 that analysis that the zoning office provided to you? | 10 me ? |
| 11 MR. AMINIZADE: No. They didn't provide to me, | 11 MR. AMINIZADE: Yes. I can. |
| 12 but they accept that we have another meeting and -- and | 12 MS. LEWINTER: Yes. |
| 13 they -- you can read -- read that in exhibition number, | 13 MR. SPIEGEL: Okay. Could I request that |
| 14 let me find that, and I know you -- let me find. I'm | 14 Exhibit 5 be put back on the screen again? |
| 15 trying to find that, sorry. | 15 MS. LEWINTER: Yes. But Mr. Spiegel, are you |
| 16 MS. LEWINTER: It's okay. Take your time. | 16 - are you -- because I have you on my screen twice and |
| 17 MR. AMINIZADE: It is Exhibition Number 18, | 17 there's quite an echo. Have you logged in twice onto -- |
| 18 staff reports. | 18 MR. SPIEGEL: Yeah. I put it -- it's white on |
| 19 MS. LEWINTER: Okay. In the staff report, can | 19 the screen. I am getting an echo. You're absolutely |
| 20 you -- | 20 correct. I can defer to somebody else and try to come |
| 21 MR. AMINIZADE: Did you ask me a question? | 21 back in and see if I get a better connection, but I |
| 22 Sorry. | 22 seem to be getting an echo. |
| 23 MS. LEWINTER: I'm just trying to look quickly | 23 MS. LEWINTER: Yeah. I'm just curious as to |
| 24 through the staff report because I don't -- I don't | 24 why you're on my screen twice, but it's very strange. |
| 25 remember them citing your -- is there -- because I -- I | 25 MR. KHAN: If I may, I think it that's because |


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| 1 someone is sharing their -- the screen. So if the -- | 1 and I promise you're going to have the chance to voice |
| 2 whoever is sharing their screen can stop sharing then | 2 them, but I really need you to ask Mr. Mehdi questions. |
| 3 that would probably eliminate the echo and if -- if | 3 Okay? So if you have specific questions for him, this |
| 4 everyone can mute. Sorry to interject. | 4 is cross examination. |
| 5 MS. LEWINTER: No. Thank you. | 5 MS. GREENBERG: How many trips actually do |
| 6 MR. SPIEGEL: Thank you. Ooh. Oh boy | 6 parents make a day? |
| 7 MS. LEWINTER: Yeah. So Mr. Spiegel, if -- if | 7 MR. AMINIZADE: Actually, during these three |
| 8 there's somebody else who -- you wanted Exhibit 5, do | 8 years we average -- we -- we actually got average 30 |
| 9 you -- is there someone who can speak for you or do you | 9 percent of our students that they are coming from the |
| 10 want to log off and -- | 10 neighborhood they -- they actually are walking to our |
| 11 MR. SPIEGEL: No. Why don't I log off and I'll | 11 facility, and they have siblings. And right now, we |
| 12 come back. I'll come back in again. I'm going to log | 12 have two parents who works here and they -- they don't |
| 13 off. | 13 use their car actually to come here. |
| 14 MS. LEWINTER: Okay. Thank you. | 14 Right now, we only have six kids, not eight |
| 15 MR. SPIEGEL: Thank you. Thank you very much. | 15 kids, and we have two set of siblings. They are |
| 16 MS. LEWINTER: All right. Mr. Khan, did you | 16 registered for the future, and they will actually |
| 17 have question or were you just commenting on the echo? | 17 replace to our -- some of our naturally parents right |
| 18 MR. KHAN: Yeah. I was, sorry. Let me lower my | 18 now. |
| 19 hand. I was just commenting on the echo. Sorry. | 19 And yeah, this -- this actually, statements |
| 20 MS. LEWINTER: Okay. Thank you. Is there | 20 when -- when we actually were preparing that, we wanted |
| 21 anybody else who wanted -- | 21 actually to show the worst case scenario, which is |
| 22 MS. GREENBERG: Ms. Winter can -- Ms. Winter, | 22 actually 12 kids coming from out of the -- the -- this |
| 23 my name is CarolAnn. I -- I can't tell if I'm muted or | 23 neighborhood and use the car all of them. None of them |
| 24 not. Can you hear me? | 24 work here, and actually they don't have any sibling. |
| 25 MS. LEWINTER: I can hear you fine. | 25 Every kid, actually every parent and kid come with one |
| 46 | 48 |
| 1 MS. GREENBERG: Yeah. Okay. I am a neighbor on | 1 actually car. |
| 2 Greentree Road, which is about a block and a half from | 2 But the reality is we always have 30 percent |
| 3 the childcare facility. I did -- I'm an expert in | 3 about of workers or siblings in our daycare. We have -- |
| 4 childcare. I am retired now, but I heard about this. | 4 we had actually some parents from Hempstead Avenue, |
| 5 Yes -- | 5 which they were here and some of them are in this |
| 6 MS. LEWINTER: Ms. Greenberg, I -- I promise | 6 meeting and they actually -- they know what I'm talking |
| 7 that everybody's going to get the opportunity to | 7 about, and some of them are from the other street. So |
| 8 testify. Right now it's the -- the issue is, do you | 8 that's the worst case scenario which we have actually |
| 9 have any questions for Mr. Mehdi in follow up to his | 912 kids coming with separate cars. Thank you so much |
| 10 testimony? | 10 for your question. |
| 11 MS. GREENBERG: Well, I -- I have a question | 11 MS. GREENBERG: You're welcome. |
| 12 of, what presently is your -- is the -- are the -- is | 12 MS. LEWINTER: Ms. Greenberg, did you have any |
| 13 the pattern of the traffic? When we spoke you took -- | 13 questions? |
| 14 you said one parent actually walks to pick up their | 14 MS. GREENBERG: Thank you. |
| 15 child. Another one, there's two children in the -- in | 15 MS. LEWINTER: Do you have any other |
| 16 the home, so that's only one trip. And then you've got | 16 questions? |
| 17 two more. | 17 MS. GREENBERG: Well, with regard to the noise |
| 18 Basically, out of six children there are only | 18 that was addressed in [inaudible] presentation, how |
| 19 three parents, you know, that are really in -- in | 19 many of the children now are under two years of age? |
| 20 traveling. I think this is you -- this whole hearing | 20 MR. AMINIZADE: We have, right now, three kids |
| 21 discussing traffic in the way of such a large program, | 21 under the age of two, and two of them actually will go |
| 22 it makes it look like it's an operation of 50 kids. | 22 about the north. Actually, I can explain that more. We |
| 23 This is -- it's a little -- | 23 have -- we bring kids two times a day to the backyard. |
| 24 MS. LEWINTER: Ms. Greenberg. Ms. Greenberg, I <br> 25 -- I -- I understand that you have a lot of concerns | 24 One -- one hour about in the -- about one hour in the 25 morning and one hour in around 11, 10 after 11, and one |


| 49 | 51 |
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| 1 in the afternoon after 3:30, something like that. | 1 MS. ROSENFELD: Thank you. I -- I have no |
| 2 And if the weather allows, actually, we bring | 2 further questions. |
| 3 kids to the backyard for couple hours during the day, | 3 MS. LEWINTER: Thank you. Was there anyone |
| 4 and at that time the three kids are under two years | 4 else who had questions for Mr. Mehdi? I'm not seeing |
| 5 old, they don't stay for one hour outside. They will | 5 Mr . Spiegel. If there's no further questions, I am |
| 6 get fresh air and come inside and sometimes they | 6 going to just leave it open in case Mr. Spiegel does |
| 7 actually the sit on high chairs to get actually fresh | 7 jump back on. Mr. Mehdi, I just want to put you on |
| 8 air and vitamin D. And don't actually -- they don't | 8 notice of that. I don't, you know, given the format of |
| 9 make noise | 9 being virtual I don't want to deprive him of that |
| 10 Three or four kids actually are right now | 10 opportunity if he had a specific question. |
| 11 playing over there. And in the future when we actually | 11 MS. GREENBERG: Ms. Winter? |
| 12 increase capacity to 12 kids, it might actually -- | 12 MS. LEWINTER: Yeah. It's [inaudible]. |
| 13 always we might have some kids under the age of two and | 13 MS. GREENBERG: Just one more. May I ask one |
| 14 they won't go too much outside. And we are going to | 14 more question? |
| 15 actually, as I mentioned, we're going to separate, | 15 MS. LEWINTER: Yes. |
| 16 separate them to two groups and we will make sure that | 16 MS. GREENBERG: Yeah. I'd like to just ask I'd |
| 17 actually a few kids will go outside and make noises | 17 just like to ask, maybe, have you ever had any |
| 18 MS. GREENBERG: Thank you. | 18 complaints about noise in the three years that you've |
| 19 MS. LEWINTER: Mr -- okay. Sorry. Ms | 19 been doing this? |
| 20 Greenberg, was that it for your questions? | 20 MR. AMINIZADE: No. Actually I have mention |
| 21 MS. GREENBERG: Yes. Thank you. | 21 those -- during those three years we didn't have any |
| 22 MS. LEWINTER: You're welcome. Mr. Spiegel, | 22 complaint from our, you know, neighbors about the |
| 23 are you back on? [Inaudible]. Was there anyone else who | 23 noises. And after actually we brought up this |
| 24 wanted to ask questions of Mr. Mehdi? Oh, Ms. Rosenfeld 25 I see your hand. | 24 application until now the -- actually our two close 25 neighbors, which is the houses, it is 8719 and 8719 |
| 50 | 52 |
| MS. ROSENFELD: Thank you. I just wanted to | 1 Hamsterdam, which is very close to us, and the house |
| 2 ask a couple of follow up questions in response to the | 25704 in Greentree, which is very close to us, they |
| 3 last questions. | 3 actually didn't have any opposition -- opposition to |
| 4 MS. LEWINTER: Sure. | 4 our project. |
| 5 MS. ROSENFELD: Do you have any limits on the | 5 And another, our neighbor 5700 in Greentree |
| 6 ages of the children that you would accept? Could all | 6 Avenue, they didn't actually send any letter or any |
| 7 of them be over the age of two? | 7 oppositio---opposition note. Also 5800 on Greentree |
| 8 MR. AMINIZADE: No. Actually, we have four | 8 and we -- but we received some complaint for -- from |
| 9 kids. We are allowed to have four kids under two years | 9 the -- our neighbor Ms. Murphy, 8806, and I think her |
| 10 old and four kids actually after, like, older than two | 10 neighbor 8804 . Yeah. |
| 11 years old. When our daughter was less than two years, | 11 Those -- we received those complaint after we |
| 12 we were allowed to have only three kids under the age | 12 actually brought up this application. But before that |
| 13 of two, and now she turns two. | 13 we haven't heard any complaint from our dear neighbors, |
| 14 When she turns to two, we actually or allowed | 14 and I'm really appreciate them and I'm really thankful |
| 15 to have four kids actually -- actually acc- --accepting | 15 to them. |
| 16 four kids from the community under the age of two and | 16 MS. LEWINTER: Mr. Spiegel, thank you for |
| 17 four and three kids actually, and four kids, including | 17 rejoining us. Let's give this another shot. |
| 18 our daughter from the age of two to five years old. And | 18 MR. SPIEGEL: Thank you. I appreciate it. Can |
| 19 then she will actually turn to five in February, we | 19 everybody hear me? |
| 20 will allow to have four kids under two years old and | 20 MS. LEWINTER: Yes. |
| 21 four kids older than two years old. | 21 MR. SPIEGEL: Okay. Very good. Maybe I could |
| 22 MS. ROSENFELD: If you were to expand to 12, | 22 just cut through the Q\&A format of cross-examination |
| 23 would you be allowed to have 12 children over the age | 23 and just ask a two-part question to Aid -- is that okay |
| 24 of two? | 24 to call you Aiden? That's your first name, correct? |
| 25 MR. AMINIZADE: Yes. We are. | 25 Aiden? |

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| 1 MR. AMINIZADE: That -- Aiden is my wife. My | 1 actually I do some research for them. |
| 2 name is Mehdi. | 2 It is consultant type of job, and I mostly do |
| 3 MR. SPIEGEL: Okay. Mehdi, I have a question | 3 that job during the weekend and actually in the morning |
| 4 about Exhibit 5, and if somebody's already asked it, I | 4 from 6:00 to 7:00 sometimes, and before the kids come. |
| 5 apologize. I will throw away the question. On, I think | 5 And sometimes if I need to I will do that job during |
| 6 the first or second - | 6 the nighttime after actually the kids go. But during |
| 7 MS. LEWINTER: Mr. Spiegel, do -- do you want | 7 the time we are working here, I don't have any other |
| 8 me to put it up on screen again? | 8 job. |
| 9 MR. SPIEGEL: It isn't really necessary | 9 MR. SPIEGEL: How about your wife? Does she |
| 10 because I it's -- it deals with -- there was a | 10 have any other jobs during the time? Please listen to |
| 11 reference in Exhibit 5, which I'm sure you're familiar | 11 my question. Does your wife have any other jobs during |
| 12 with where you talk about the number of employees that | 12 the time that the daycare center is operating, well, |
| 13 are currently employed and the number you project as | 13 that you plan to operate in the future? |
| 14 being employed. Could you just state for the record who | 14 MR. AMINIZADE: No. She doesn't have any other |
| 16 MR. AMINIZADE: The employees is myself, my | 16 MR. SPIEGEL: And is my understanding correct |
| 17 and my wife. Both of us actually are working from home, | 17 that you have a junior high school age child as well as |
| 18 and we have another, actually, employee who's coming to | 18 a child under five years of old -- five years old. Is |
| 19 our house. And I actually -- it's a good question for | 19 that correct? |
| 20 me to explain that. We don't need to actually -- right | 20 MR. AMINIZADE: Yes. My son actually is almost |
| 21 now we don't need to actually -- | 2113 years old. He's attending the Pine Elementary |
| 22 MR. SPIEGEL: Well, I only asked you if you - | 22 School, and my daughter is four and half. She's going |
| 23 the names of the employees. That's okay. You've <br> 24 answered my question. | 23 to be five years old by February, and we have those two 24 kids. |
| 25 MR. AMINIZADE: The name -- the name was just | 25 MR. SPIEGEL: And during the time, that you |
| 54 | 56 |
| 1 Mehdi. My name is Mehdi and my last name is Aminizade. | 1 contemplate your center operating in the morning, have |
| 2 My wife's name is Aiden and her last name is Hasandu, | 2 your children already left for school? |
| 3 and the employee we have right now's name is | 3 MR. AMINIZADE: Can you explain again? |
| 4 [inaudible] and her last name is Ishvak [ph]. | 4 MR. SPIEGEL: My question is you have two |
| 5 MR. SPIEGEL: So Mehdi, I do have a follow-up | 5 school-aged children, correct? |
| 6 question then. Are you and your wife going to be the | 6 MR. AMINIZADE: Yes. |
| 7 employees when -- if this license request -- if the | 7 MR. SPIEGEL: Is that correct? Okay. My |
| 8 request for a group daycare carries through you can | 8 understanding is correct. Okay. Now, as I understand, |
| 9 continue to be employees? | 9 the operating hours of your center in the morning, is |
| 10 MR. AMINIZADE: Yes. Yeah | 10 my understanding correct is that your children would |
| 11 MR. SPIEGEL: Do you have any other jobs? | 11 still be in the house when your daycare center begins |
| 12 MR. AMINIZADE: Me? | 12 to receive people, is that correct? |
| 13 MR. SPIEGEL: Yeah. | 13 MR. AMINIZADE: Yes. That's correct. |
| 14 MR. AMINIZADE: I have another actually | 14 MR. SPIEGEL: And in the afternoon when your |
| 15 part-time job. | 15 children would come home, particularly your junior high |
| 16 MR. SPIEGEL: And that's during the week? | 16 school aged child, your daycare center would still have |
| 17 MR. AMINIZADE: What's that? Sorry. | 17 children in it, is that correct? |
| 18 MR. SPIEGEL: Is that during the week? | 18 MR. AMINIZADE: Yes. He's not high school, but |
| 19 MR. AMINIZADE: During the week? No. It's not | 19 he's in middle school, but yes. |
| 20 -- | 20 MR. SPIEGEL: Okay. Thank you. Thank you very |
| 21 MR. SPIEGEL: During the time that the daycare | 21 much. That's all. |
| 22 center is open. | 22 MR. AMINIZADE: You are welcome. |
| 23 MR. AMINIZADE: No, it's not. No, it's not. | 23 MR. SPIEGEL: Okay. Thank you. |
| 24 Actually, I do -- I work as a researcher in the -- in a | 24 MS. LEWINTER: Any other questions, Mr. |
| 25 non-profit organization name's [inaudible], and | 25 Spiegel? |

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| 1 MR. SPIEGEL: No. No. I'll -- no. I'll -- I | 1 that at no time, during the time your daycare operation |
| 2 would like to testify later, but no questions. No | 2 is operational, that you have outside employment? Is |
| 3 further questions. | 3 that your testimony today under oath? I just want to |
| 4 MS. LEWINTER: Okay. Ms. Horseley, I see your | 4 make sure I understand. |
| 5 hand is up. | 5 MR. AMINIZADE: Sorry. Can you -- |
| 6 MS. HORSELEY: Yes. I do have a question for | 6 MR. SPIEGEL: Is it your testimony today that |
| 7 Mehdi. The outside employee that comes to your home, | 7 at the time, or at the times that you contemplate, or |
| 8 does this person work the full hours that the daycar | 8 you are operating your daycare center, that you have no |
| 9 is running? | 9 outside employment? Is that your testimony today? |
| 10 MR. AMINIZADE: Can you say again? | 10 MR. AMINIZADE: No. We will have outside |
| 11 MS. HORSELEY: Does the -- the outside | 11 employment. Right now, we're not -- we don't have to, |
| 12 employee that comes to your home, does this individual | 12 but we have one employee and in the future, we will |
| 13 work the full hours that your daycare is open? | 13 have to have an employee from -- |
| 14 MR. AMINIZADE: No. She, actually right now | 14 MS. LEWINTER: Mr -- Mr. Mehdi, I don't -- I'm |
| 15 she's not working full day. She works half day right | 15 going to just interrupt just to speed things along. I |
| 16 now. | 16 think Mr. Spiegel's question is for you specifically, |
| 17 MS. HORSELEY: That's my only question | 17 when -- are you stating that you do not have outside |
| 18 MS. LEWINTER: Do you -- okay. Ms. Rosenfeld, | 18 employment during the time that you are working at the |
| 19 I see your hands up. Before you speak, Mr. Spiegel if | 19 daycare? |
| 20 you're done and Ms. Horseley, if -- Horseley, if you're | 20 MR. AMINIZADE: No. We don't have outside job |
| 21 done, if you could put your hands down so I don't think | 21 during that. And I -- I -- I -- right now, I -- as I |
| 22 you have a second. Ms. -- oh, thank you. Great. Okay. | 22 mentioned - |
| 23 Ms. Rosenfeld? | 23 MS. LEWINTER: You are not -- you are not |
| 24 MS. ROSENFELD: Yes. Thank you. Just one | 24 working a second job while you're also working at the |
| 25 question. If you expand to 12 children, will your | 25 daycare. |
| 58 | 60 |
| 1 part-time employees work full-time? | 1 MR. AMINIZADE: Yes. That's correct. |
| 2 MR. AMINIZADE: Yes. Correct. | 2 MS. LEWINTER: Is that correct, Mr. Spiegel? |
| 3 MS. ROSENFELD: Thank you. | 3 That was your question. |
| 4 MR. AMINIZADE: But -- and if she actually -- | 4 MR. SPIEGEL: Yeah. It's my question. Thank |
| 5 we are going to have one full-time employee, then we | 5 you. Thank you very much. |
| 6 want to actually expand our decade, but I'm not sure if | 6 MS. LEWINTER: I don't see any other hands up. |
| 7 she wants to continue her job, or if she wants to quit. | 7 So given that, and it's 11 o'clock I'm just going to |
| 8 We're going to have another employee but the employee | 8 give everybody a five-minute comfort break. We'll come |
| 9 have to be full-time when we actually wants to expand | 9 back at 11:05 and at that point we can move forward |
| 10 this actually daycare. | 10 with the case. Is that okay? All right. |
| 11 Right now, we -- we are not required to have | 11 MS. ROSENFELD: Thank you. |
| 12 more than two, actually two workers. Me and my wife are | 12 MS. LEWINTER: You're welcome. |
| 13 actually enough the -- according to the law, but when | 13 [Recess Taken] |
| 14 we -- but we, actually, we have another employee for | 14 MS. LEWINTER: Ms. Rosenfeld, are you back |
| 15 doing -- for doing some certain job that she's -- she | 15 with us? |
| 16 can do for us. But then it -- well then, it's actually, | 16 MS. ROSENFELD: Yes. Thank you. I am. |
| 17 turns to 12 kids here we have to have three full-time, | 17 MS. LEWINTER: Okay. Ms. Rosenfeld, would you |
| 18 actually, employee according to the, actually the child | 18 like to proceed with your case in chief? |
| 19 office regulation. | 19 MS. ROSENFELD: Yes. I would. Thank you. And |
| 20 MS. LEWINTER: Thank you. Mr. Spiegel, did you | 20 my first witness is Celeste Murphy. That's what I was |
| 21 have one more question? I -- you're -- you're muted, | 21 afraid of. We're in the same room. Yes. Actually, if |
| $22 \text { sir. }$ | 22 you -- we were afraid of that. If you would give us a |
| 23 MR. SPIEGEL: I apologize. One more question. | 23 moment, she'll move into a different room and that way |
| 24 I just want to make sure I understand your testimony 25 today, Ma- -- Mehdi. Is -- is it your testimony today | 24 we won't get that feedback. We're too close to each 25 other |

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| MS. LEWINTER: Do you have a way to angle your camera where you could be on the same tile? <br> MS. ROSENFELD: I just think it would be easier if we were not. <br> MS. LEWINTER: Okay. Whatever -- whatever. <br> MS. ROSENFELD: It would be a little too <br> crowded. I'm sorry, we should have tested this. We -we'll be ready in one second. <br> MS. LEWINTER: No. It's fine. Okay. Take your 0 time. <br> MR. SPIEGEL: Hearing examiner, [inaudible] <br> for the hearing examiner. <br> MS. LEWINTER: Yes. <br> MR. SPIEGEL: Can you give us some sense of <br> your time constraints or your scheduling in this? We'll 16 go past lunch hour? Do you think it'll go past lunch hour? <br> MS. LEWINTER: I -- I -- so I -- <br> MR. SPIEGEL: [Inaudible] just the time and -- <br> MS. LEWINTER: Yeah. No, no. I -- I <br> appreciate, and that's such a common question. <br> 22 Everybody wants to know what exactly is going to happen <br> 23 and I do not have a crystal ball. So I can't tell you <br> 24 how long people are going to testify or how many <br> 25 questions they have. | nothing but the truth? <br> MR. AMINIZADE: Yes. Thank you. <br> SWEARING IN OF WITNESS CELESTE MURPHY <br> MS. LEWINTER: All right. Ms. Murphy, if you <br> could similarly raise your right hand. Do you solemnly <br> swear under penalties of perjury that the statement you <br> are about to make are the truth, the whole truth and <br> nothing but the truth? <br> MS. MURPHY: I do. <br> MS. LEWINTER: Thank you. Okay. Ms. Rosenfeld, your witness. <br> DIRECT EXAMINATION <br> MS. ROSENFELD: Yes. Thank you. Ms. Murphy, <br> 14 would you state your name and home address for the 5 record please? <br> 6 MS. MURPHY: Yes. My name is Celeste Murphy <br> 17 and I've lived for 21 years at 8806 Garfield Street, Bethesda, Maryland. <br> MS. ROSENFELD: And where is your home in relation to the proposed daycare? <br> MS. MURPHY: My backyard abuts the daycare's backyard. <br> MS. ROSENFELD: Ms. LeWinter, would you please bring up hearing Exhibit Number 33? <br> 25 MS. LEWINTER: All right. And Miss -- Ms. |
| Considering that it's 11 o'clock I cannot <br> imagine that this is going to finish before noon. So it -- I -- there's just -- it'd be short, so we are going to go -- we will take a break for lunch and -- and that's just the way it goes. I'm sorry, sir. <br> MR. SPIEGEL: I appreciate the realistic answer. Thank you. <br> MS. ROSENFELD: And is -- Ms. Murphy is in a different room. I -- I didn't -- I'm sorry, I didn't 10 mean to interrupt you. <br> MS. LEWINTER: No. You're fine. So why don't we proceed? You know what, I just, I -- I apologize. <br> This is my -- my fault. <br> But as I am realizing with your witness, Mr. <br> -- I never swore in Mr. Mehdi, and I should have done that, I think because he was appearing pro se it just skipped my mind, so I sincerely apologize. Mr. Mehdi, would you mind retroactively swearing that your testimony was the truth? Can you raise your right hand, please? <br> MR. AMINIZADE: Yes. <br> SWEARING IN OF WITNESS MEHDI AMINIZADE <br> MS. LEWINTER: Okay. Do you solemnly swear <br> under penalties of perjury that the statements that you 25 previously made were the truth, the whole truth and | Rosenfeld, if you could, again, kind of -- <br> MS. ROSENFELD: Okay. <br> MS. LEWINTER: Sorry. <br> MS. ROSENFELD: That's all right. That's all <br> right. Is that better? <br> MS. LEWINTER: Yes. Okay. I'm sorry, you said <br> 33. <br> MS. ROSENFELD: 33, please. Ms. Murphy, do you <br> MS. MURPHY: Sorry. <br> MS. ROSENFELD: That's okay. Didn't mean. <br> Again, I apologize. I'm just jumping in here. Ms. <br> Murphy, do you recognize what's been brought up on the 4 screen as Exhibit Number 33? <br> MS. MURPHY: Yes. I do. <br> MS. ROSENFELD: And what do you recognize that exhibit to be? <br> MS. MURPHY: This is our neighborhood. <br> MS. ROSENFELD: And do you recognize the <br> location of the red dot? <br> MS. MURPHY: Yes. That would be the daycare. <br> MS. ROSENFELD: And in relation to the <br> daycare, can you show us or identify where your house 24 is located? <br> 25 MS. MURPHY: Yes. I'm right behind the red dot |


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| 1 toward that red line, between the red line and the blue | 1 park that you can see our kitty corner to -- to the |
| 2 line. | 2 daycare, I believe it's about -- that corner boundary |
| 3 MS. ROSENFELD: And do you recognize the blue | 3 would be about 150 feet. I think the daycare might be |
| 4 boundaries? Do you know where those blue boundaries | 4150 feet also from the, very busy, double yellow lined |
| 5 came from? | 5 Greentree Road. |
| 6 MS. MURPHY: I don't -- I don't recognize how | 6 MS. ROSENFELD: Okay. So Greentree Road is |
| 7 that might have been marked. It -- it might be just the | 7 is toward the upper portion of this exhibit? |
| 8 Brad Moore subdivision, but I'm not entirely sure. | 8 MS. MURPHY: Greentree Road runs half through |
| 9 MS. ROSENFELD: Okay. And do you recognize the | 9 the ha -- yes, the upper portion, but all the way |
| 10 red boundary that is shown on this map? | 10 across the picture and is about, I believe 150 feet |
| 11 MS. MURPHY: Yes. The red boundary includes | 11 from the -- the home of the daycare. |
| 12 the immediate prox- -- our homes and the immediate | 12 MS. ROSENFELD: And I see a tennis court. |
| 13 proximity to the daycare and really the center of our | 13 MS. MURPHY: Oh yeah. |
| 14 neighborhood, which is Bradley Hills Elementary School. | 14 MS. ROSENFELD: Is that -- is that in the park |
| 15 MS. ROSENFELD: Okay. And in the blue, with | 15 that you described? |
| 16 the delineation of the neighborhood in the blue | 16 MS. MURPHY: Yes. The park has a lot of |
| 17 boundary, is your -- is your home included in that | 17 attributes, a lot of features actually, which draws a |
| 18 delineation? | 18 significant number of people from outside the |
| 19 MS. MURPHY: No. Not within the blue boundary. | 19 neighborhood, including the neighborhoods across |
| 20 MS. ROSENFELD: Okay. And in your opinion, is | 20 Greentree Road. And they very much walk because there's |
| 21 the red boundary a more appropriate delineation of the | 21 a crosswalk across Greentree connecting those |
| 22 boundaries of the immediate surrounding neighborhood in | 22 neighborhoods at Hempstead Avenue that you can't see |
| 23 relation to this application? | 23 from this aerial picture, but it is the significant |
| 24 MS. MURPHY: It is, yes. Because we are | 24 crosswalk, I think, within several blocks. |
| 25 impacted by the presence of the daycare and expansion. | 25 I don't think there's another crosswalk |
| 66 | 68 |
| 1 MS. ROSENFELD: And not just you, but the | 1 crossing Greentree Road with the yellow pedestrian |
| 2 neighbors on either side of you at a minimum. | 2 triangles alerting Greentree Road traffic that there's |
| 3 MS. MURPHY: Yes. Yes, that is correct. | 3 a pedestrian crossing. So people cross from the wind |
| 4 MS. ROSENFELD: Okay. I also next would like | 4 gate and Sonoma neighborhoods across Greentree Road to |
| 5 to draw your attention to Exhibit 18, which is the | 5 access the many features of the park at Hempstead |
| 6 planning staff report, and I'd like you to take a look | 6 Avenue. |
| 7 at page three with figure one. | $7 \quad$ Some of the features of the park include |
| 8 MS. MURPHY: Okay. | 8 include the tennis courts, which are now pickle ball |
| 9 MS. ROSENFELD: Do you recognize this as an | 9 courts as well. So two sets of pickleball players play |
| 10 aerial photograph of your neighborhood? | 10 which -- which doubles the traffic coming to the tennis |
| 11 MS. MURPHY: I do. | 11 slash pickleball courts. There is a so -- a soccer |
| 12 MS. ROSENFELD: And do you recognize the | 12 field with -- with many leagues and successive practice |
| 13 property that's outlined in red? | 13 times for the kids playing on the soccer fields. |
| 14 MS. MURPHY: Yes. That looks to be the | 14 There's also a -- there are two basketball |
| 15 daycare. | 15 courts in Bradley Hills Regional Park. There are three |
| 16 MS. ROSENFELD: Okay. And again, your property | 16 playground sets that was recently redone in the past |
| 17 is the one immediately behind that on Garfield Street, | 17 few years with -- with beautiful new playground |
| 18 is that correct? | 18 equipment. |
| 19 MS. MURPHY: Yes. Correct | 19 So they are a major area attraction, |
| 20 MS. ROSENFELD: Would you please identify for | 20 especially for children, the young children across |
| 21 the hearing examiner, the other major features of this | 21 Greentree Road and those neighborhoods coming over. |
| 22 neighborhood? And I'm not talking about the residential | 22 There's also a large community garden at the park where |
| 23 homes, but the other features that are important. | 23 several people have plots and drive over, even people |
| 24 MS. MURPHY: Oh, yes. Definitely the Bradley | 24 within the neighborhood. |
| 25 Hills Elementary School and the Bradley Hills regional | 25 I actually had a community garden plot myself |



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| 1 MS. MURPHY: Yes. Gladly. You know, I'm -- I'm | 1 school and from the park? |
| 2 extremely neighbor oriented. I know my neighbors, I'm | 2 MS. MURPHY: I did. Yes. |
| 3 friends with my neighbors, all kinds of things happen | 3 MS. ROSENFELD: And in your view, is there a |
| 4 when we're living so tightly packed in this close | 4 difference in sort of the quality or characteristics of |
| 5 downtown Bethesda neighborhood where we have basically | 5 the noise from the daycare compared with those other |
| 6 postage stamp lo | 6 ex |
| $7 \quad$ And I try to be extremely cognizant of the | 7 MS. MURPHY: There is a very big difference. |
| 8 fact that, you know, we're -- we're all trying to | 8 The noi -- any noise I hear from Bradley Hills |
| 9 navigate this together. No one's trying to -- to | 9 Elementary School playground during their recess hours, |
| 10 inflame anyone. No one's trying to bother anyone. So | 10 I would characterize as very light ambient noise, very |
| 11 I've really been extremely permissive with respect to | 11 -- in a distance. As -- as you can note from the map, |
| 12 the noise. | 12 the applicant's house is on Hempstead at the park at |
| 13 I have not complained because I understand | 13 the school. |
| 14 that this property is permitted to have what they have | 14 My house is not. My house is on Garfield |
| 15 going on currently. | 15 Street, and it's a very big difference in terms of the |
| 16 And I don't -- I -- I'm -- I've been trying | 16 location or the center point of the noise and how it -- |
| 17 since -- since they've been there to -- to make it | 17 it spreads out when it's out there at Bradley Hills |
| 18 work, to be the good neighbor, to not complain, which I | 18 Elementary School and their big field. It's not |
| 19 haven't. | 19 directly coming at my house. |
| 20 But when I was alerted to this expansion, | 20 The house noise at the daycare is particularly |
| 21 really -- I feel like I have no choice but -- but to | 21 problematic, because there's one part, and I think you |
| 22 object this kind of expansion, this -- this 50 percent | 22 can see it on the map, there's a house next to the |
| 23 increase in the number of children, and in fact all | 23 playground or not the playground, the daycare house. |
| 24 children could be over two years old, who are, you | 24 It's the house on Greentree Road and it's a solid brick |
| 25 know, very loud when they're playing, is unreasonable. | 25 house from like, you know, 1950. It is -- the back of |
| 74 | 76 |
| 1 It's -- it's too onerous to bear. | 1 that house is the entire side yard of the applicant's |
| 2 MS. ROSENFELD: I -- just a brief sort of | 2 backyard/playground. |
| 3 interruption in -- in topic here. You mentioned about | 3 So in effect, it's shooting and this acoustic |
| 4 the fact that you -- when you were first alerted about | 4 arrow, all the noise of the -- of the applicant's |
| 5 this application, can you explain to the hearing | 5 playground directly to my home. In addition, the home |
| 6 examiner when you were first alerted? | 6 of the applicant has -- has a -- a little addition on |
| 7 MS. MURPHY: Yes. I came home from a vacation | 7 the back. It has a deck on the back. It has now a wood |
| 8 early July, and I received my mail on July 5th. In that | 8 structure. |
| 9 mail I received my first notice from the county for the | 9 So the applicant's yard/playground is -- is |
| 10 July 11 th hearing that was scheduled. | 10 constantly shrinking and it's compressing the children |
| 11 MS. ROSENFELD: Did you ever receive notice of | 11 and the noise into a tighter ball of noise and pushing |
| 12 the planning board hearing that had been scheduled a | 12 -- pushing that noise and those children farther back |
| 13 month or two prior to this -- to the -- to the first | 13 closer to my property line and having even -- even a |
| 14 hearing examiner date? | 14 more onerous, louder effect on my property. |
| 15 MS. MURPHY: No. Neither I nor any of the | 15 MS. ROSENFELD: Okay. Thank you. If we could |
| 16 other abutting properties nor the confronting property | 16 have a look at Exhibit 45, please. Do you recognize |
| 17 across the street received planning board meeting | 17 this first image on the first page of Exhibit 45? |
| 18 notice. | 18 MS. MURPHY: Yes. I do. I took this photo. |
| 19 MS. ROSENFELD: So without notice you were not | 19 MS. ROSENFELD: And could you give us an |
| 20 in a position to participate in those proceedings, were | 20 approximation of the date or ti -- and time that you |
| 21 you? | 21 took this? |
| 22 MS. MURPHY: No. I was not. | 22 MS. MURPHY: Yes. I believe I took it this |
| 23 MS. ROSENFELD: Back -- back to the noise | 23 week on -- on Tuesday. |
| 24 issue. Did you hear the applicant testify about the <br> 25 fact that there is noise already from the elementary | 24 MS. ROSENFELD: And could you describe for the 25 hearing examiner what this image shows from your |
| 25 fact that there is noise already from the elementary | 25 hearing examiner what this image shows from your |


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| 1 perspective? | 1 does this reflect -- do you have an opinion as to |
| 2 MS. MURPHY: Yes. I'm standing when I took | 2 safety concerns with respect to the proximity of the |
| 3 this picture across Greentree Road. You'll see the | 3 daycare to the intersection of Greentree and Hempstead |
| 4 double yellow line. Greentree Road is a very busy road, | 4 Avenu |
| 5 very fast, very congested. It's the speed cars travel | 5 MS. MURPHY: I ha -- not only do I have safety |
| 6 at regularly exceeds the 30 mile per hour speed limit. | 6 concerns with respect to the green tree, the proximity |
| $7 \quad$ And this picture shows where the SUV is | 7 to Greentree, but the fact of the heavy traffic on |
| 8 parked. So this is Greentree and the road you're | 8 Hempstead to access the park and the school. The |
| 9 looking at in the distance is Hempstead Avenue. The | 9 traffic off of Greentree is -- is taking the turn at |
| 10 applicant's home is in front of where that SUV on | 10 excessive speed. I know this from my experience on |
| 11 Hempstead Avenue is parked. The red car in the driveway | 11 Hempstead. My three children went to Bradley Hills |
| 12 in the background is the home next to the applicants, | 12 Elementary School. |
| 13 further down Hempstead, further away from Greentree. | 13 That's the route to scho |
| 14 So here I'm showing that how close the | 14 this also because I'm similarly situated on Garfield |
| 15 applicant's home is to this very busy road of Greentree | 15 Street and always concerned about the traffic coming at |
| 16 and the fast traffic that -- that flies off of | 16 excessive speeds off of Greentree Road. Also, you can |
| 17 Greentree onto Hempstead when making the turn there. | 17 notice that the Hempstead Avenue is actually -- it's |
| 18 MS. ROSENFELD: Okay. Thank you. And I would | 18 not a -- this map isn't great. It doesn't show -- it's |
| 19 also ask that we take a look -- excuse me. Excuse me. | 19 not exactly at a perfect perpendicular but rather an |
| 20 One mo- --moment, please while I identify the correct | 20 angle. |
| 21 exhibit. If we could also take a look please at Exhibit | 21 So when the cars come off Greentree, they're |
| 22 Number 44. Ms. Murphy, do you recognize Exhibit 44? | 22 -- they're somewhat I would say disoriented or when |
| 23 MS. MURPHY: Yes. This is a collision map I | 23 they're flying so fast, they tend to not stick within |
| 24 request- --requested from Montgomery County police <br> 25 department and they provided me with | 24 their immediate turn lane, but cross over to go to the |
| 25 department, and they provided me with. | 25 other lane across the street and to -- and to oncoming |
| 78 | 80 |
| 1 MS. ROSENFELD: Okay. And can you explain what | 1 traffic because really, they're supposed to be going |
| 2 this data represents and where you got it? | 2 the speed limit of Hempstead, which I think might be |
| 3 MS. MURPHY: Yes. This data represent | 3 20, 25 miles an hour as opposed to Greentree Road |
| 4 collisions along Greentree Road and their | 4 traffic. |
| 5 intersections, including Hempstead Avenue, which is the | 5 So it's -- it's really the proximity to |
| 6 address of the applicant. And the applicant is actually | 6 Greentree, the high speed of Greentree, and combined |
| 7 on that corner of -- of the collision site as | 7 with the fact people don't slow down to go onto |
| 8 demonstrated from the prior photo | 8 Hempstead. And the heavy traffic on Hempstead to access |
| 9 This map and the collision data only goes back | 9 the features of the neighborhood, the -- the school on |
| 10 to 2019 and includes the year and a half period where | 10 the park. |
| 11 Bradley Hill's Elementary School was closed physically | 11 MS. ROSENFELD: Okay. In your opinion, will |
| 12 because of COVID, their -- their physical facilities. | 12 the proposed daycare expansion have an adverse effect |
| 13 So these crash statistics don't even include a year and | 13 on your use and peaceful enjoyment of your property? |
| 14 a half of normal activity of Bradley Hills Elementary | 14 MS. MURPHY: Absolutely. I -- I'm -- I'm |
| 15 School traffic | 15 afraid to imagine what 12 children in their playground, |
| 16 As I had stated before I received this -- this | 16 in my backyard will do to -- to the quality of our |
| 17 crash map was put together by the Montgomery County | 17 lives that has already been compromised by the |
| 18 police department. They provided it with -- to me. We | 18 existence of the playground so close to my home. |
| 19 -- we did add this July 16th, 2022 collision because | 19 MS. ROSENFELD: And in your opinion, will the |
| 20 the Montgomery County police department alerted me to | 20 proposed daycare expansion have an adverse effect on |
| 21 the fact that that most recent collision was not | 21 the noise levels within your property and within your |
| 22 included yet in their database, and that I would have | 22 home? |
| 23 to add that myself if I wanted to include that in the | 23 MS. MURPHY: Absolutely. The noise as it is, |
| 24 data and the map. | 24 is inescapable. My family and I enjoy fully the -- the |
| 25 MS. ROSENFELD: And -- and in your opinion, | 25 property. We are, you know, we are a full family living |


| 81 | 83 |
| :---: | :---: |
| 1 in our home. We enjoy our backyard, my vegetable | 1 children aren't going to bother anybody. And -- and I |
| 2 garden, my -- my general gardening that I like to do, | 2 just -- I absolutely disagree with this |
| 3 my home office where I work full time, our screen porch | 3 characterization of our neighbor |
| 4 where we relax together as a family, our kitchen table, | 4 I don't hear constant noise. He had mentioned |
| 5 our bedrooms. It impacts everything. | 5 ambulances. I rarely hear an ambulance. My house is |
| 6 MS. ROSENFELD: And in your opinion as a lay | 6 quiet and peaceful and it -- and it was even more quiet |
| 7 person, will the proposed daycare expansion have an | 7 and peaceful before this -- this daycare playground |
| 8 adverse effect on the economic value of your property? | 8 opened in my backyard. |
| 9 MS. MURPHY: Yes. As a lay person, it would. I | 9 And -- and -- and I have a, you know, I bought |
| 10 think that it eliminates a serious section of | 10 this house 21 years ago in reliance on rule of law |
| 11 prospective buyers who like me would not like to have a | 11 which includes zoning code and -- and understood what |
| 12 home with a large group daycare in the backyard. | 12 was buying into this neighborhood all zoned with single |
| 13 MS. ROSENFELD: In your opinion, will the | 13 family homes. And -- and it's what -- what my neighbors |
| 14 proposed daycare expansion have an adverse effect on | 14 and I expect and deserve as people of this |
| 15 the safety of residents in the immediate neighborhood? | 15 neighborhood. |
| 16 MS. MURPHY: In my layperson opinion, with | 16 MS. ROSENFELD: Okay. Ms. LeWinter, I have no |
| 17 three children who went to Bradley Hills elementary | 17 additional questions of this witness. |
| 18 school very recently, absolutely. The safety is of the | 18 MS. LEWINTER: Okay. One second. Mr. Mehdi, |
| 19 residents of the neighborhood and the people | 19 would you like to ask any questions of Ms. Murphy? |
| 20 children, and the parents using the daycare is | 20 MR. AMINIZADE: No. I don't. |
| 21 imperiled. | 21 MS. LEWINTER: Okay. Is there anybody present |
| 22 MS. ROSENFELD: And finally in your opinion, | 22 who would like to ask any cross-examination questions |
| 23 will the proposed daycare expansion have an adverse | 23 of Ms. Murphy? I don't see anything. So given that, Ms. |
| 24 effect on the safety of visitors, for example, people | 24 Rosenfeld, would you like to call your next witness? |
| 25 going to the park or the daycare? | 25 Ms. Rosenfeld, you're muted. |
| 82 | 84 |
| 1 MS. MURPHY: Absolutely. And I would expand | 1 MS. ROSENFELD: I apologize. Yes. I would like |
| 2 your definition of visitors to also include the high | 2 to call Laura Horseley, please. |
| 3 numbers of bike commuters that come through Hempstead | 3 SWEARING IN OF WITNESS LAURA HORSELEY |
| 4 Avenue cross over Greentree at Hempstead, from the | 4 MS. LEWINTER: Hey, Ms. Horseley. There you |
| 5 neighbors -- from the neighborhoods up old Georgetown | 5 are. Ms. Horseley, if you could raise your right hand, |
| 6 Road to be visitors of -- of our neighborhood. | 6 please. Do you promise or, sorry, do you solemnly swear |
| $7 \quad$ That section of Hempstead Avenue, that block | 7 under penalties of perjury that the statements you're |
| 8 of 8801 Hempstead is marked by bikewashington.org and | 8 about to make are the truth, the whole truth and |
| 9 other major bike organizations as the connector from | 9 nothing but the truth? |
| 10 the north Bethesda trail that connects Rockville bike | 10 MS. HORSELEY: I do |
| 11 commute, down to Bethesda to the capital Crescent | 11 DIRECTEXAMINATION |
| 12 trail, to those bike commuters who come down to DC. | 12 MS. LEWINTER: Thank you. Ms. Rosenfeld, you |
| 13 Those bike commuters are constantly coming | 13 witness? |
| 14 through there. They're constantly already in danger of | 14 MS. ROSENFELD: Yes. Thank you. Would you |
| 15 the high traffic speeds and the congested traffic along | 15 please state your name and home address for the record? |
| 16 that route, including that intersection in that block. | 16 MS. HORSELEY: Yes. My name is Laura Horseley, |
| 17 Adding more traffic, more cars further -- further | 17 and I live at 8800 Hempstead Avenue, Bethesda, |
| 18 compromises their safety as well. | 18 Maryland. |
| 19 MS. ROSENFELD: Okay. And was there any final | 19 MS. ROSENFELD: I apologize. Ms. Murphy just |
| 20 point or points that you wanted to make to the hearing | 20 joined me, but we have the computers back under |
| 21 examiner that I have not asked you about yet? | 21 control. Where is your home in relation to the proposed |
| 22 MS. MURPHY: I would. You know, I-- I | 22 daycare? |
| 23 appreciate Mr. Aminizade's testimony and in part that | 23 MS. HORSELEY: We are directly across for |
| 24 some of it is, you know, we live in a -- in a busy | 24 them. |
| 25 raucous neighborhood already, you know, for more | 25 MS. ROSENFELD: And if we could take a -- a |


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| look again at hearing Exhibit Number 33. In relation, do you recognize the location of the proposed daycare? <br> MS. HORSELEY: Yes. I do. I see it's a red dot. <br> MS. ROSENFELD: Okay. And in relation to the proposed daycare lot, where is your property? <br> MS. HORSELEY: Directly across. Right across Hempstead. <br> MS. ROSENFELD: Okay. So you're at the corner of Folkstone and Hempstead? <br> MS. HORSELEY: We are. If you turn, we're just -- again, we're about 150 feet from -- from Greentree. <br> We're at -- and -- but we're all -- we're also very <br> 4 close to Folkstone. Yes. We're sort of right in between <br> Folkstone and -- and Greentree on Hempstead. <br> MS. ROSENFELD: And which -- which street does your driveway access? <br> MS. HORSELEY: Hempstead. <br> MS. ROSENFELD: And where is your driveway in relation to the applicant's driveway? <br> MS. HORSELEY: It's just -- they're back to <br> back. We're right across from their driveway. <br> MS. ROSENFELD: Can you tell me if parking <br> 24 patterns on Hempstead Road changed after the applicant <br> 25 opened the existing daycare several years ago? | hours, we back into the driveway to make sure when we leave, we can go out, you know, forward so it's -- it's safer, because it can get really congested there during peak hours. <br> MS. ROSENFELD: So is -- is it fair to say <br> that there's more people parking on the street now than there were before the daycare opened? <br> MS. HORSLEY: Oh, yes. Many, many, many more people, especially during those peak hours. <br> MS. ROSENFELD: And how do you -- how do you notice? How much time do you have to actually observe what's going on on the street? <br> MS. HORSLEY: Well, I know this because I work <br> 14 -- I have a hybrid work schedule. I work a couple days <br> 5 here, then a few days downtown in d- -- downtown DC <br> where I work. And I usually leave around 7:30, and I <br> usually get home around 5:00-ish. <br> And it's very common for me to have to <br> maneuver around these cars, and just be a little extra <br> cautious because you just can't see very well. And if <br> you're -- my -- my line of vision is -- is blocked <br> looking towards Greentree because of the cars there. <br> 23 And it's just -- so I see that a lot going -- going to <br> 24 and coming from work. <br> 25 The days that I work from home, I -- in the |
| MS. HORSELEY: Yes. It has. Especially <br> recently as more children have been coming into the daycare during those peak hours, which are -- you know, I think it's like 7:30 to 8:30 in the morning and then $4: 30$ to $5: 30$ or something like that in the evening. It's very congested and busy there. And it does seem like there's a -- multiple cars pick up around the same time. <br> We've experienced, you know, pickups on their 0 side of the road, pickups in front of our house on our side of the road. There was a couple, I think -- a couple of cars that parked on -- on -- on Hempstead there. And it's just really difficult to maneuver. <br> And then you have just the traffic, as Celeste mentioned. The traffic coming off Greentree, they take 16 that turn, they're coming fast, and they take that turn on to Hempstead, they typically take it very fast. So it's already a little bit treacherous. <br> But then you add all this extra traffic during <br> 20 peak time, when there's already a lot of traffic on the <br> 21 road. And, you know, we've gotten to the point where we 22 -- we take our -- we used to park our car in front of <br> 23 the street when -- when we could, but we just always <br> 24 park in the garage in the driveway. <br> 25 And we always -- if we can, if it's off-peak | mornings and the afternoons, we take a lot of walks. I like to jog, we do a lot of yard work, so we just see it in general. And then, like, Agnes [ph], who co-owns the house with me and is a resident there, her office, upstairs office, the window looks directly out there. <br> And she has to, you know -- her -- her job is very closely looking at the computer, and she has to take a lot of breaks, and -- and look out the window to give her eyes a rest. And she sees this a lot. And then 10 when the car door is, you know, closed, slammed, she'll 11 -- she'll see it too. And she's observed this as well, that congestion during peak times. <br> MS. ROSENFELD: And when you said that the cars parked block the view to or from Greentree, and I don't remember which it was, if you could clarify. Are you talking specifically about cars parked while they're dropping off or picking up children? <br> MS. HORSLEY: Yes. Often, it's the cars that are parked when -- when -- when -- when they're dropping off and picking up the children. Because they'll -- they'll park in front of their house, but then sometimes they'll park in front of our house as well. And it just, you know-- the line of vision 24 becomes really difficult. <br> MS. ROSENFELD: Ms. Hearing Examiner, I would |


maneuvering in and out of the driveway or the garage.
And, you know, it's -- for us, it's -- we used to park, and I mentioned, on the street some, but we stopped doing that because we want to give space for this. And it's just a constant maneuvering in and out, and only one of our cars fits in the garage. So -- and -- and we always, you know, like I said when -- I -- I try to back in whenever I can so that I can drive out forward. So it's -- there are times during peak hours 10 it can get really hairy like this.
11 MS. ROSENFELD: Okay. And do you have a chance to observe parents when they're dropping off and picking up their children?
14 MS. HORSLEY: Yeah. I mean, you know, we're 15 out there quite a bit, whether we're taking walks, 16 doing yardwork during those times. And it's not unusual 17 for them to, for instance, to take their children out 18 of the car street side versus curbside. And that's a little scary.
20 And because the parking situation is -- is
21 just not set up for this, it's already -- it's already
22 tight. I just -- it's not set up for this kind of drop-
23 off, pickup. I just can't imagine taking this to 12
24 kids to group daycare situation. It's just an accident
25 waiting to happen is -- is my -- from a safety
perspective.
MS. ROSENFELD: Are there parking limitations on Hempstead Avenue?

MS. HORSLEY: There are. Yeah. You're --
there's two-hour parking Monday to Friday -- Monday through Friday. So you're not really supposed to park there for more than an hour or two, Monday to Friday.

MS. ROSENFELD: Did you have a chance to read
the applicant's statement of justification, explaining
how much time it takes to drop off and pick up children?

MS. HORSLEY: Yes.
MS. ROSENFELD: And do you agree with the 4 assessment of the times that are given in that 5 statement?

MS. HORSLEY: No. Often we'll see parents who 17 will stick around for a while. Sometimes they'll have 8 done a drop-off and -- and they'll be in their car looking at their phone for a while.

Sometimes when they pick the children up from 1 -- pick their children up in the afternoon, they might take them to the park or stay a little longer, I don't know if they're having a conversation. But there are times when they could stay, you know, 15, 20, 30 minutes. It's not -- not unusual.

1 MS. ROSENFELD: Okay. Would you say that happens on a fairly regular basis?
3 MS. HORSLEY: Yeah. I'd say so.
4 MS. ROSENFELD: Okay. If we could take a look 5 at Exhibit Number 41, please. Do you recognize this as 6 the subject property?
7 MS. HORSLEY: Yes.
8 MS. ROSENFELD: Okay. And Ms. LeWinter, I -- I 9 proffer that we will authenticate this photograph 10 later, with -- through another witness. But for -- for 11 the meantime, I would like to have this witness speak
11 the meantime, I would like to have this witness speak
12 to it. Ms. Horseley, have you ever seen parents pull 13 into the driveway in this manner while they're dropping 14 off or picking up children?
15 MS. HORSLEY: Yes.
16 MS. ROSENFELD: And --
MS. HORSLEY: This is not uncommon.
MS. ROSENFELD: That answered my next question. Does it raise safety concerns for you?

MS. HORSLEY: It does. Because it blocks the
21 sidewalk, and this is a really busy, busy neighborhood.
22 It's -- it's lively, right? There is a lot of people
23 jogging, walking, lots of people walking their dog,
24 you've got cyclists, you've got kids on bicycles, but
25 then you've also got those commuter cyclists. And, you

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| know, then you got to -- you're walking, or riding your bike, or whatever down the sidewalk, and then okay, there's a car right there. So it is a safety concern. <br> MS. ROSENFELD: Okay. And do -- is this a rare occurrence? Can you give a sort of frequency estimate as to how often this may happen? <br> MS. HORSLEY: It's not a rare occurrence. I <br> think if the space is available, and -- and they're <br> inclined to do it, they'll do it. I'd say it's probably 0 -- it's hard for me to get -- put a number on it, but it -- it's certainly not a rare occurrence. <br> MS. ROSENFELD: Okay. If we could go back to <br> Exhibit 18. And I'm looking again -- I'd like to see, again, page 3 with that figure one. Do you recognize this as an aerial photograph of your neighborhood? <br> MS. HORSLEY: Yes. <br> MS. ROSENFELD: And do you see the concrete <br> driveway, the semicircular half loop under the <br> Folkstone Road that Ms. Murphy testified about earlier? <br> The drop-off, pickup area in front of the -- <br> MS. HORSLEY: Yes. <br> MS. ROSENFELD: -- elementary school? <br> MS. HORSLEY: I do. <br> MS. ROSENFELD: Is -- is that a turn <br> 25 restricted exit when parents leave the school? | got in the house. And then we heard this huge boom, bang. And so we went out there and walked down there. Luckily, nobody was hurt. But it was a -- it was, you know, one of these situations where I think a car was going too fast. And -- and -- and it hit the other one. And it's just -- it's -- it's just a -- such a high traffic area. <br> MS. ROSENFELD: I -- I -- <br> MS. HORSLEY: So it's -- it's just, you know, 0 this happens occasionally. I'm sorry? <br> MS. ROSENFELD: And -- and is it your -- do <br> 12 you have any opinion as to whether or not increased <br> 13 parking on Hempstead might have an effect on -- with <br> 14 visibility, with any concerns about future collisions? <br> 15 As a -- <br> MS. HORSLEY: Yeah. <br> MS. ROSENFELD: -- layperson. <br> MS. HORSLEY: Right. As a layperson, you know, <br> that's why we're so careful in the way we park our <br> cars, and come out, and -- and when we -- when we -- <br> when we -- even when I maneuver my car into the driveway, because I know those cars are coming fast on <br> 23 Hempstead, I know that my vision is -- is blocked. <br> 24 So I can give one example. Not too long ago, <br> 25 maybe a few weeks ago, I was driving home from work. |
| MS. HORSLEY: Yes. I believe that is. <br> MS. ROSENFELD: Okay. And so they make a right hand si- -- right hand turn on Folkstone, and come out to Hempstead? <br> MS. HORSLEY: Yes. <br> MS. ROSENFELD: In -- do you observe higher volumes of traffic on Hempstead Avenue in the morning and afternoon when school drop -- the elementary school drop-off and pickup is active? <br> MS. HORSLEY: Yes. We definitely deser- -- I mean, we observe higher traffic at tho- -- those times. <br> MS. ROSENFELD: And is -- is that about the same time that the daycare drop-off and pickup occurs? <br> MS. HORSLEY: Yeah. You know, the -- it gets busy on that road, especially during morning rush, and afternoon, and early evening rush. So yeah. It's -that's -- that's a busy time. That's a really busy time on that road. <br> MS. ROSENFELD: Okay. And if we could also 0 take one more look at Exhibit 44, the crash map. There 21 was mention during Ms. Murphy's testimony about the 22 July 16th, 2022 collision. Are you familiar with that 23 col- -- collision? <br> 24 MS. HORSLEY: Yes. We had just come back from <br> 25 the Costco, and were unloading our groceries, and just | And it was coming in at that peak time, and it ju- -it was especially busy. There was, you know, several cars doing the dro--- the pickups. And I just -- I <br> held back because -- and I said, I'm just going to wait until this clears out. And there were cars, again, coming from Greentree. <br> And I'm glad I did, because there was one <br> parent who was coming -- coming down -- coming out after the pickup. She had -- you know, I guess she had 0 other kids that she brought with her, one child in her arm, and one child on her hand, and another child walking by herself, who sort of ran toward the road, and the -- the parent had to -- to yell at her to stop. <br> You know, and it just made this already tight, congested, kind of scary situation even scarier. And I 6 just -- I remember thinking, oh, my gosh, I'm so glad I didn't try to -- to maneuver my car into my driveway then. <br> MS. ROSENFELD: Okay. In -- in your opinion, would the proposed daycare expansion have an adverse effect on your useful -- your use and peaceful enjoyment of your property? <br> MS. HORSLEY: Yes. It absolutely would. <br> MS. ROSENFELD: And can you explain, just <br> 25 briefly, specifically, why you reach that conclusion? |


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| 1 MS. HORSLEY: Yeah. Because it's already -- | 1 concerns are such that it's just not set up for group |
| 2 you know, we're already experiencing a lot of | 2 daycare from a parking, and congestion, and safety |
| 3 hecticness trying to get in and out, and concern, and | 3 standpo |
| 4 worry during these times of tight congestion. And it's | 4 MS. ROSENFELD: Okay. Thank you very much. I |
| 5 going to be -- it's going to add that much more stress, | 5 have no further questions of this witness at this time. |
| 6 and worry, and frustration if it goes to 12 . | 6 Thank you. |
| 7 And it's just, you know, you see other | 7 MS. LEWINTER: Mr. Mehdi, do you have any |
| 8 daycares, and -- and -- and they're set up better for | 8 cross-examination questions for Ms. Horseley? |
| 9 drop-off and pickups, where this is just not set up for | 9 CROSS EXAMINATION |
| 10 it. You've got a single driveway, you've got a tight, | 10 MR. AMINIZADE: Yes. I do. Okay. Please show |
| 11 busy road, right next to a really busy road. So it just | 11 up the exhibition number -- number 44. I want to ask |
| 12 -- it's a lot. It's very concerning for this to expand | 12 this date, July 16th, do you remember which day was |
| 13 a group daycare. | 13 that? Which day of the week? |
| 14 MS. ROSENFELD: And in your opinion, will the | 14 MS. HORSLEY: Well, I was at the Costco, so |
| 15 proposed daycare expansion have an adverse effect on | 15 I'm going to guess it was on the weekend. I can -- I |
| 16 the traffic volumes in the immediate vicinity of your | 16 can tell you which day of the week that was. That was a |
| 17 home? | 17 Saturday. |
| 18 MS. HORSLEY: Yeah. I mean, it could. It's | 18 MR. AMINIZADE: On Saturday. And do we |
| 19 certainly going to make the -- that road more | 19 actually work at Saturdays? |
| 20 congested. And that more -- that many more people will | 20 MS. HORSLEY: You don- -- I don't -- no. Your |
| 21 be there. And it's just going to slow -- slow things | 21 daycare is Monday to Friday. |
| 22 down. So, you know, yeah. Potentially. | 22 MR. AMINIZADE: Yeah. And do you remember any |
| 23 MS. ROSENFELD: And in your opinion, will the | 23 other crashes happening at that point before, actually |
| 24 proposed daycare expansion have an adverse effect on 25 the amount of available parking in the immediate | 24 that, and especially after 2019 , which we started this 25 daycare? |
| 98 | 100 |
| 1 vicinity of your home? | 1 MS. HORSLEY: Ms. Murphy had brought up a |
| 2 MS. HORSLEY: Yeah. For sure, certainly. | 2 crash diagram early. And right -- that we're looking at |
| 3 People are already -- you know, the available parking | 3 now. I mean, there's some listed there. So, you know, |
| 4 on Folkstone is already getting tighter and tighter. | 4 we've -- we've heard of them and -- and -- and |
| 5 And, you know, there's a few people that are parking | 5 occasionally traffic will be diverted when there's a |
| 6 illegally on -- on -- on Hempstead already. And so it's | 6 crash. So it's -- you know, it's a busy road. But |
| 7 -- it's already a concern, and that's just going to get | 7 that's the one -- that's the one that we were in person |
| 8 a whole lot worse. | 8 to hear and experience. |
| 9 MS. ROSENFELD: And in your opinion, will the | 9 MR. AMINIZADE: Thank you. And I have another |
| 10 proposed daycare expansion have an adverse effect on | 10 question for you. The picture you showed, and the |
| 11 the safety of residents in the immediate neighborhood? | 11 parent actually was in the driveway parked behind my |
| 12 MS. HORSLEY: Yeah. It will -- it will ha- -- | 12 car, do you remember, actually, which time of -- of day |
| 13 we're concerned about the safety of residents. But the | 13 was that? This was in morning or evening? |
| 14 number one concern really is the safety of the families | 14 MS. HORSLEY: That photo was an example photo. |
| 15 taking their children to and from the daycare. Because | 15 I -- it wasn't a photo that I took, but I just verified |
| 16 they're the ones who are getting out of the car, | 16 that that's something that we see. That's -- that's |
| 17 sometimes, you know, street side and dealing with this | 17 pretty common for parents to -- to park there and block |
| 18 busy street. | 18 the sidewalk. So I can't comment on that exact photo. |
| 19 MS. ROSENFELD: Do you have any final points | 19 MR. AMINIZADE: Okay. And, you -- because if |
| 20 that you would like to make for the hearing examiner | 20 you -- you think, if actually they -- a car wouldn't |
| 21 about this application? | 21 park there, it would help the -- the parents to |
| 22 MS. HORSLEY: I don't think so. Just to say | 22 actually have a better -- have a better -- have -- have |
| 23 that it's -- we -- we -- we think they're very nice | 23 a smooth dropping off and picking up? |
| 24 family, and -- and we -- we like them a lot. But I just | 24 MS. HORSLEY: I don--- I -- I think whether |
| 25 feel like this is -- this is a bad idea. And the safety | 25 they're parking on the street or blocking the sidewalk, |


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| 1 it's -- neither options are very good. | 1 MS. HORSLEY: Yeah -- yeah. |
| 2 MR. AMINIZADE: No. I mean, if we -- right | 2 MS. LEWINTER: Ms. Rosenfeld? |
| 3 now, like, at that day -- that day actually I have my | 3 REDIRECT EXAMINATION |
| 4 car parked in the -- actually driveway. But if we move | 4 MS. ROSENFELD: Yes. With respect to moving |
| 5 our car from there, and if the parent can come in front | 5 the applicant's car and parking it on the street, would |
| 6 of our house, and drop off their kids over there, would | 6 that really just replace a parent parking on the |
| 7 -- do you think it would help with the safety concern? | 7 street? It -- it doesn't really remove a car from the |
| 8 MS. HORSLEY: I don't know if it will help | 8 street, it might make drop-off safer for that |
| 9 with the safety concern or -- or not. If you've got a | 9 individual parent. In -- in your opinion, does it |
| 10 couple parents on the street, and you've got one in the | 10 actually -- does -- does it reduce the concerns about |
| 11 parking -- in your driveway, I mean, it might ease it a | 11 the number of cars parking on the street and blocking |
| 12 little bit. But I can't really say. | 12 views? |
| 13 MR. AMINIZADE: Thank you so much. And for the | 13 MS. LEWINTER: Ms. Rosenfeld, can I just ask |
| 14 -- yeah. I don't have any other question for you. | 14 you to restate the question? I got a little lost. |
| 15 MS. HORSLEY: Thank you | 15 MS. ROSENFELD: Sure, sure. The -- the |
| 16 MS. LEWINTER: Does anybody else have any | 16 applicant had asked you about moving the applicant's |
| 17 cross-examinations -- questions for Ms. Horseley? Mr. | 17 car and parking it on the street. Correct? |
| 18 Spiegel, you're -- you're muted, sir. | 18 MS. HORSLEY: Yes. |
| 19 MR. SPIEGEL: Ms. Horseley, this is not a | 19 MS. ROSENFELD: And that would allow a parent |
| 20 cross-examination question, it's just a clarification. | 20 to use the driveway on the subject property to drop off |
| 21 You've had -- I think you testified that you have an | 21 children. Correct? |
| 22 unimpeded view of the driveway of the house opposite | 22 MS. HORSLEY: Right, right. |
| 23 you in which the applicant lives. It -- is my | 23 MS. ROSENFELD: Does that actually reduce the |
| 24 understanding correct today that you're testifying that | 24 number of cars that are parked on the street during |
| 25 you see in that driveway that it's occupied most of the | 25 drop-off and pickup if you swap those two activities? |
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| 1 time by a car? | 1 MS. HORSLEY: Well, he -- he -- they're going |
| 2 MS. HORSLEY: Yeah. Most of the time it is | 2 to have to park their car somewhere. And Folkstone is |
| 3 occupied by a car. | 3 usually quite busy at that time. So they're probably |
| 4 MR. SPIEGEL: As it -- was it your inference | 4 going to just park it -- I mean, I would think the -- |
| 5 in your testimony that that car was the applicant's | 5 they would park it on -- on Hempstead. |
| 6 car? | 6 So it's just -- it's -- like I said, it's -- |
| 7 MS. HORSLEY: Yes. | 7 it's -- it's a -- it's a tight, congested area, and the |
| 8 MR. SPIEGEL: Okay. So that picture that you | 8 parking is -- is -- is limited anyway. Because you're |
| 9 showed with a car pulling up in back, that was a result | 9 not really supposed to park on Hempstead for more that |
| 10 of an ordinary problem that you currently see from day | 10 a couple hours Monday to Friday, 9:00 to 5:00. |
| 11 to day, the only way you can get into the driveway is | 11 MS. ROSENFELD: Thank you. |
| 12 by pulling in back of that car. Is that correct? | 12 MR. AMINIZADE: Can I ask another question? |
| 13 MS. HORSLEY: Sorry. Might just want a | 13 MS. LEWINTER: Yes. Go -- |
| 14 clarification. Only way that I can get into my | 14 MR. AMINIZADE: Can I ask another question? |
| 15 driveway? | 15 Would you -- I actually, I -- I want to clarify that. I |
| 16 MR. SPIEGEL: No, no. If somebody wanted to -- | 16 didn't ask you -- I didn't mention that I would park my |
| 17 somebody who's dropping off a -- | 17 car in the Hempstead or anywhere else. I -- I just |
| 18 MS. HORSLEY: Mm-hmm. | 18 mentioned that we want to move -- remove that car. Do |
| 19 MR. SPIEGEL: -- a -- you know, if it was | 19 you know how many cars do we have, Ms.? |
| 20 somebody for the daycare center, the only way they | 20 MS. HORSLEY: I don't -- I know you have that |
| 21 could do a drop-off in that driveway area would be to | 21 one car. I -- I -- you might have two cars, I'm not |
| 22 do what that car did in the photo, to pull in back of | 22 sur |
| 23 the car that was in the driveway. Is that correct? | 23 MR. AMINIZADE: We do -- we only have one car, |
| 24 MS. HORSLEY: That's right. That's correct. | 24 and we have a garage. And we can actually park our car |
| 25 MR. SPIEGEL: Oh, thank you. | 25 in the garage for the future. And we actually -- it |

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| 1 could help for the dropping off. And I want to actually | 1 and, Mr. Gill, I apologize. Had I known, I would have |
| 2 clarify, it's not the -- actually have one parent who | 2 called you earlier. I did not. |
| 3 you took the picture -- | 3 MR. GILL: It's all good. I was -- I was |
| 4 MS. HORSLEY: I didn't take the picture | 4 hoping maybe it would go a little more quickly. But I |
| 5 MS. LEWINTER: Yeah. If this is going to be | 5 know how these things go. I was not smart enough. But |
| 6 more testimony, if you have a question for Ms. | 6 anyway -- |
| 7 Horseley. | 7 MS. ROSENFELD: That's okay. And your -- and |
| 8 MR. AMINIZADE: Yes. I just want to -- no. I | 8 your testimony will be shorter than Mr. Fried. So, Mr. |
| 9 -- I just want to ask the question about -- to | 9 Gill, would you please state your name and address for |
| 10 actually -- since I -- since she implies that we | 10 the record? |
| 11 to remove car from the parking, and go to the | 11 SWEARING IN OF WITNESS JOHN GILL |
| 12 Hempstead, I want to make sure to actually expla | 12 MS. LEWINTER: Let me just back up and have |
| 13 don't want -- I didn't mean that. I won't actually mo | 13 him -- no. You're -- no. You -- my -- my fault. Mr. |
| 14 the car to the [inaudible] street. My wife actually | 14 Gill, if you could raise your right hand. Do you |
| 15 doesn't drive, and we have only one car | 15 solemnly swear under penalties of perjury that the |
| 16 MS. LEWINTER: Okay. But you need to | 16 statements you're about to make are the truth, the |
| 17 understand, sir, that if you're going to ask her a | 17 whole truth, and nothing but the truth? |
| 18 question, it needs to have an -- if you're going to | 18 MR. GILL: I do. |
| 19 testify further, you'll have a chance for rebuttal | 19 MS. LEWINTER: All right. Thank you. |
| 20 testimony if you want to clarify that. That's -- thent | 20 DIRECT EXAMINATION |
| 21 different. Sorry. Is there -- did you have any othe | 21 MS. ROSENFELD: Mr. Gill, would you please |
| 22 questions, Mr. Mehdi? | 22 state your name and business address for the record? |
| 23 MR. AMINIZADE: No. I don't. | 23 MR. GILL: John Gill, my company is H. A. Gill |
| 24 MS. LEWINTER: Okay. Was there | 24 \& Son Realtors. My address is 1722 Wisconsin Avenue NW, |
| 25 who had questions for Ms. Horseley? Mr. Mehdi, if you | 25 Washing |
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| 1 could lower your hand. Thank you. All right, seeing | 1 MS. ROSENFELD: And, Mr. Gill, would you |
| 2 none, Ms. Rosenfeld, should -- do you think we could do | 2 please give a brief summary of your educational and |
| 3 one more witness potentially without taking a -- before | 3 professional background? |
| 4 taking, like, a lunch break? | 4 MR. GILL: I went to Landon School in |
| 5 MS. ROSENFELD: I actually think my | 5 Bethesda, Maryland for 10 years, Bucknell University. |
| 6 witness is going to take a little bit more time. So | 6 Some business school but went into real estate soon |
| 7 MS. LEWINTER: Okay. | 7 after I graduated from college. And I now have 40 years |
| 8 MS. ROSENFELD: -- this might be an opportune | 8 in the business. |
| 9 time for lunch. | 9 MS. ROSENFELD: And what real estate related |
| 10 MS. LEWINTER: Okay | 10 licenses do you have? |
| 11 MR. GILL: May -- may I interject, please? | 11 MR. GILL: So I'm the principal broker of my |
| 12 MS. LEWINTER: Yes, Mr. Gill? | 12 company in Washington, D.C. in the state of Maryland |
| 13 MR. GILL: So I am stay -- I am on vacation in | 13 and the state of Virginia. |
| 14 Michigan. Great -- great way to spend my vacation. And | 14 MS. ROSENFELD: And are you familiar with the |
| 15 I am now an hour and six minutes past my checkout time | 15 subject property where this daycare is proposed? |
| 16 at my hotel. We got an extended stay, but if I'm going | 16 MR. GILL: I am. Well, I'm not familiar with |
| 17 to testify, I got to do it now. | 17 that property, but I'm very familiar with Celeste |
| 18 MS. LEWINTER: All right, Mr. Gill. Mr. Mehdi, | 18 Murphy's property right behind it, because I sold it to |
| 19 do you have any objection to taking Mr. Gill out of | 19 her 21 years ago. |
| 20 order? | 20 MS. ROSENFELD: And are you generally familiar |
| 21 MR. AMINIZADE: Not at all | 21 with real estate sales in this general neighborhood? |
| 22 MS. LEWINTER: Okay. | 22 And in the -- |
| 23 MR. GILL: Thank you. | 23 MR. GILL: Yes. I am. |
| MS. LEWINTER: Mr. Gill, go ahead. | 24 MS. ROSENFELD: -- larger neighborhood? |
| 25 MS. ROSENFELD: And -- okay. Thank you. And -- | 25 MR. GILL: Yes. I am. |


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| 1 MS. ROSENFELD: And I -- I'm not asking you | 1 the last 40 years in this area? |
| 2 about appraised values. Let me ask you, are you a | 2 MR. GILL: That is correct. |
| 3 licensed appraiser? | 3 MS. ROSENFELD: Ms. LeWinter, could I have |
| 4 MR. GILL: I am no | 4 just one moment, please? Ms. LeWinter, I have no |
| 5 MS. ROSENFELD: Okay. And I'm going to be very | 5 further questions for this witness. And thank you, Mr. |
| 6 clear that I am not asking you about appraisal | 6 Gill |
| 7 valuations. What I am asking you though is how you | 7 MR. GILL: Thank you. |
| 8 would price a home next to a daycare when contrasted | 8 MS. LEWINTER: Mr. Mehdi, do you have any |
| 9 pricing a home that's not located next to a daycare, | 9 questions for Mr. Gill? |
| 10 for purposes of putting it on the market? Could you -- | 10 CROSS EXAMINATION |
| 11 if there is a difference, could you explain what that | 11 MR. AMINIZADE: Yes. I do. Thank you so much |
| 12 might be and why you would price it that way? | 12 for your testimony. I have a question, if you sell any |
| 13 MR. GILL: Yeah. So there is a difference. | 13 -- or how many difference between actually in the -- |
| 14 There is no question that a sizable percentage of the | 14 when you want to -- actually in order to pricing |
| 15 buying public would never live next to a daycare | 15 between the daycare with 8 kids and a daycare with 12 |
| 16 facility, and simply because of the noise, the yelling, | 16 kids. Most of them are home daycare and not centers. |
| 17 and laughing, and screaming. | 17 And it is a -- one of them, it's a small daycare with 8 |
| 18 And I love children, I-- I have three | 18 kids, and another is a large home daycare with 12 kids. |
| 19 children, I have two grandchildren. But the fact of the | 19 MR. GILL: So eight children are enough |
| 20 matter is children make a lot of noise. And the buying | 20 children, in my opinion, to create enough of an issue |
| 21 public in general is very sensitive to that. | 21 for neighbors to be a problem. Maybe -- maybe some |
| 22 And so a significant percentage, quantifying | 22 people can put up with it, but most people could not. |
| 23 it exactly is difficult, but I put it on the order of | 23 So if you add four more, you're adding 50 |
| 24 about half the market would say that they would not | 24 percent more, and so you're making the problem 50 |
| 25 live next to a property that had a daycare center and a | 25 percent worse. So yes. I do think there's a -- there |
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| 1 playground with a backyard. | 1 would be a substantive difference in -- in -- in having |
| 2 The other half of the market might, in fact, | 2 four more children. |
| 3 be willing to live next to such a facility. However, | 3 MR. AMINIZADE: And one more question. You |
| 4 the Washington, D.C. area is about a savvy real estate | 4 mentioned 50 percent of the -- roughly the buyers won't |
| 5 market, in terms of how educated about real estate | 5 live next to that. That they don't buy, actually the -- |
| 6 buyers are, as there is in the country. | 6 don't facility, but maybe 50. |
| 7 And so if somebody is willing to live next to | $7 \quad$ But if someone actually willing to buy the |
| 8 a daycare center, they know that half the market or so | 8 facility, which is -- buy -- buy the house next to a |
| 9 would not be, and therefore they would demand a | 9 facilities, small daycare with eight kids, is -- or if |
| 10 discount. And only if they didn't know that the | 10 -- if some -- if you -- they don't want to buy that, |
| 11 property was a daycare center would they be willing to | 11 does it matter, for example, small or large daycare, |
| 13 property a block away where there is no daycare center | 13 having four more kids? |
| 14 nearby. | 14 MR. GILL: I -- you know, I don't know whether |
| 15 So if I were dealing with a client as a | 15 that situation would come up in a potential buyer's |
| 16 listing agent in terms of pricing a property, I would | 16 mind. It would -- it would be a negative with eight. |
| 17 explain that situation to them. Most likely the client | 17 But if there were 12 and the potential purchaser had |
| 18 would fully understand it and would understand that I | 18 all of the information, and -- that there were in fact |
| 19 would come in less in terms of my valuation of the | 1912 versus 8, then I think it would make it even less |
| 20 property at a potential asking price than I would if | 20 likely that they would want to buy next -- you know, so |
| 21 the property were not located so closely to the center. | 21 closely to -- to that type of facility. Yeah. I think |
| 22 How much less, somewhere on the order of about 10 | 22 it would definitely make a difference. |
| 23 percent | 23 MR. AMINIZADE: Thank you, sir. The last |
| 24 MS. ROSENFELD: And that's based on your | 24 question, I -- I have showed three specific, actually |
| 25 professional experience as a realtor and a broker in | 25 facility, I know I'm not a expert in this area. But all |


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| 1 of those three sold out in less than one week maybe, | 1 cross-examination questions for Mr. Gill? Ms. |
| 2 and which are higher prices that the buy--- the | 2 Rosenfeld, did you have redirect? |
| 3 actually sellers ask. Do you have any explanation for | 3 MS. ROSENFELD: No. Thank you. |
| 4 that or no? | 4 MS. LEWINTER: All right. Seeing nothing else, |
| 5 MR. GILL: Sure. Well, I mean, I don't know | 5 Mr . Gill, you may be excused. We appreciate your |
| 6 specifically those properties. But I'm not saying that | 6 indulgen |
| 7 Mrs. Murphy's property would not be saleable. I'm | 7 MR. GILL: Thank you. |
| 8 simply saying that it would sell for less than it would | 8 MS. LEWINTER: I know you're on vacation, I |
| 9 have had it been located a block or two away, not next | 9 hope you enjoy it. |
| 10 door to a facility like the one that you have. | 10 MR. GILL: Thank you very much |
| 11 So every property in a desirable area such as | 11 MS. LEWINTER: You're welcome. |
| 12 Bethesda is going to sell. But ones that are located in | 12 MR. GILL: Okay. |
| 13 inferior locations, meaning on a busy street or next to | 13 MR. AMINIZADE: Thank you so much. |
| 14 a daycare facility, they're not going to sell for as | 14 MR. GILL: Thank you -- thank you. |
| 15 much. That's -- you know, that's an axiom in our | 15 MS. LEWINTER: So Ms. Rosenfeld, then you said |
| 16 business. Everybody knows that. And so what was your | 16 the next witness that you would prefer to call will |
| 17 question again? | 17 take quite a while, so we should take a lunch break |
| 18 MR. AMINIZADE: I asked, actually, I showed up | 18 now. Is that your recommendation? |
| 19 three different -- | 19 MS. ROSENFELD: Hang on one minute, please. |
| 20 MR. GILL: Oh, so they all sold -- okay. So | 20 -- I actually do have one more witness I can call that |
| 21 they all sold. I can't tell you whether they would have | 21 will not take particularly long. I leave it up to you. |
| 22 sold for 10 percent more or not. But my guess is, if | 22 You know, I can call him now or -- the -- the shorter |
| 23 they were -- if they were in -- in locations like that, | 23 witness, but I-- I leave it up to your discretion and |
| 24 and -- and very close or abutting to -- to daycare | 24 whether or not you're ready for a break. |
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| 1 I will also say, that having been in the | 1 the next witness just to try and keep things moving? |
| 2 business for 40 years, I've seen great markets, and | 2 MS. ROSENFELD: Okay. |
| 3 I've seen terrible markets. And the li- -- since the | 3 MS. LEWINTER: And excuse as many people as we |
| 4 pandemic or a few months after the pandemic got into | 4 can. |
| 5 gear, and up until a couple of months ago, our market | 5 MS. ROSENFELD: Right. Okay. The next witness |
| 6 was nothing less than a great market. | 6 I would like to call is Mr. Faruk Khan, please. |
| 7 Meaning there was very little inventory, and | 7 MS. LEWINTER: Okay. Mr. Khan, are you still - |
| 8 people were willing to purchase properties that maybe | 8 - you know, sometimes people kind of -- |
| 9 didn't check all their boxes, but they were very, very | 9 MR. KHAN: Yes. I'm here. Hi, how are you? |
| 10 eager to get a property. So they settled for something | 10 MS. LEWINTER: Hi, Mr. Khan. Thank you for |
| 11 less than what they wanted. | 11 being patient. Could you raise your right hand, please? |
| 12 But I will tell you in a market that is not so | 12 MR. KHAN: Yes. |
| 13 good, and where the inventory is three times or five | 13 SWEARING IN OF WITNESS FARUK KHAN |
| 14 times what it is right now, if a buyer is faced, or -- | 14 MS. LEWINTER: Do you solemnly swear under |
| 15 or has options of a property that is in a quiet | 15 penalties of perjury that the statements you are about |
| 16 neighborhood not -- not next to a daycare center, and - | 16 to make are the truth, the whole truth, and nothing but |
| 17 - and then a property that's next to a daycare center, | 17 the truth? |
| 18 all -- all other things being approximately equal, they | 18 MR. KHAN: Yes. I do. |
| 19 are going to choose the property that is not next to | 19 MS. LEWINTER: Thank you, Ms. Rosenfeld, your |
| 20 the daycare center. And it's going to make it a lot | 20 witness. |
| 21 tougher for those properties that are next to | 21 DIRECT EXAMINATION |
| 22 facilities like that to sell. | 22 MS. ROSENFELD: Yes. Mr. Khan, thank you for |
| 23 MR. AMINIZADE: Thank you so much. I don't | 23 being here this morning. Would you please state your |
| 24 have any further question. | 24 name and home address for the record? |
| 25 MS. LEWINTER: Is there anybody else with | 25 MR. KHAN: Yes. My name is Faruk Khan. I live |

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| in 5803 Folkstone Road, which is one house over from the corner lot of Folkstone and Hempstead. <br> MS. ROSENFELD: Okay. And -- <br> MR. KHAN: And -- and if I -- if I may just <br> say, you know, I -- I have not met the applicant, but, you know, he is my nei- -- they're my neighbors, and I consider all neighbors my friends. <br> So I hope that any testimony and concerns I <br> share here will be taken in that spirit of sharing <br> 0 concerns among -- among friendly neighbors. I don't <br> want to antagonize anybody. But yeah. So I just wanted to say that. Thank you. <br> MS. ROSENFELD: And -- and thank you. We <br> 4 appreciate the spirit in which you're giving your <br> 5 testimony this morning. If you could take a look at <br> 6 hearing Exhibit Number 33 one more time. And Mr. Khan, <br> do you recognize the property with the red dot on it as the location of the subject property? <br> MR. KHAN: Yes. <br> MS. ROSENFELD: And could you identify on this <br> exhibit where your house is located, maybe just <br> counting in the number of lots on Folkstone Road? <br> MR. KHAN: Yes. So it is -- if you look at the <br> 24 house on the corner of Folkstone and Hempstead, so my <br> 25 house is the one that is next to that. | MR. KHAN: Yeah. So what I understand from the application, it -- it would have to be located on Folkstone Road. <br> MS. ROSENFELD: And do you have any indication that it would be in front of or near your home? <br> MR. KHAN: Yeah. Because this is the nearest from the corner of Hempstead. So it would be there to the le- -- or, you know, the most natural place to park would be to the left or to the right of my driveway. And -- yeah. <br> MS. ROSENFELD: And -- and -- and in your opinion, would that have an adverse effect on your use of your property? <br> MR. KHAN: Yes. So -- so if I can just give <br> 15 some context. So I -- I've owned this house since the 6 fall of 2019. And I moved in here myself since last 17 year. And I have been working virtually, from home, 8 through most of the time that I have lived here. <br> And I work from my living room, which has -- <br> you know, these are split level homes with the large <br> windows in front, so I get a bird's eye view of all of <br> the traffic and the parking that happens throughout the day on Folkstone. <br> 24 And what I can say, is that parking in <br> 25 Folkstone is really constrained. Particularly, you |
|  | know, for two reasons that are unique to this neighborhood. And those two reasons are that this neighborhood has a school right in the middle. And the second is that this neighborhood has a public use park right in the middle. <br> And for those two reasons, parking on <br> Folkstone Road is -- is -- is really constrained, particularly during the weekdays, during the school year. And -- and, you know, in that context -- so, you 10 know, if -- if I have visitors and, you know, they're looking for a place to park, sometimes they will circle 12 around. <br> And -- because parents are parking to drop off <br> 14 their kids and pick up their kids at Bradley Hills <br> 15 Elementary, a lot of people that come for games in the <br> 16 park, they will park their cars here and go to the <br> 17 games. So yeah. Parking's already very constrained. So <br> 18 to have another -- <br> And then, you know, in -- in recent -- in the <br> 20 last couple of months, my neighbors have also noticed <br> 21 that another car has -- that is not associated with our <br> 22 neighbors has become a permanent fixture on that, you <br> 23 know, spot in either the left or the right of my <br> 24 driveway. <br> 25 And initially, okay, you know, it was there |


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| 1 for almost six days, and we were wondering why it was | 1 much -- and it's a heavy flow. And because I -- I -- as |
| 2 there not moving. And we were, you know, about to sort | 2 I mentioned, I work from here and I -- you know, I -- |
| 3 of report it to the county, but then we found out that | 3 and I'm looking out the window right now, of course |
| 4 one of the houses on Hempstead has a boarder who's | 4 it's the summer so there is -- you don't observe any of |
| 5 working at NIH, who has a c | 5 that flow during the summer. |
| 6 And that boarder, because they | 6 But during the school year, during those |
| 7 sticker to park on Hempstead, you know, flows over into | 7 hours, there's sort of a constant flow, because they |
| 8 Folkstone. So that car has become a permanent fixture. | 8 need to go around Hartsdale and, you know, exit the |
| 9 So to have another car become a permanent fixture here | 9 loop down this road. And then they have to empty out to |
| 10 during working hours, wha- -- in addition to all of the | 10 the two sides of Hempstead. |
| 11 parking d | 11 MS. ROSENFELD: So |
| 12 would really result in -- in even a more constrained | 12 it fair to say that everybody who drops off or picks up |
| 13 parking environment. So yeah. So that's what I can say | 13 students at the loop then makes a right and drives by |
| 14 to that. | 14 your house to get to Hempstead? |
| 15 MS. ROSENFELD: And can you explain to the | 15 MR. KHAN: Indeed, yes. |
| 16 hearing examiner the -- the traffic patterns associated | 16 MS. ROSENFELD: And can you describe sort of |
| 17 with parent drop-off and pickup at the elementary | 17 how wide the -- the street is there, if there is |
| 18 school as it affects Folkstone? | 18 additional parking? Does it -- does it -- |
| 19 MR. KHAN: Yeah. So you know, usually parents | 19 MR. KHAN: Oh -- |
| 20 are supposed to line up starting in Hartsdale and | 20 MS. ROSENFELD: How does that -- how does that |
| 21 coming around to the pickup loop on Folkstone. But then | 21 affect the tr |
| 22 some parents, when they come to drop off or pick up | 22 MR. KHAN: Yeah. So Folkstone is -- is -- is a |
| 23 their kids, maybe they need to go into the school for a | 23 narrower street. So it's -- it's a street with the |
| 24 few minutes, talk to a teacher, or maybe they want to | 24 elementary school and a street with the park. But it's |
| 25 take their kid in wi- -- with them. So they will park | 25 a narrower street to the extent that it wouldn't be |
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| 1 on Folkstone. | 1 able to accommodate parking on both sides. So Folkstone |
| 2 So or -- or, you know, maybe they'll park on | 2 only allows parking on -- on one side of the street, |
| 3 Folkstone and wait for their kid to come out to the | 3 which is our side. So that results in an even more |
| 4 car. So there's a lot of parking that takes place on | 4 constrained parking environment. |
| 5 Folkstone associated with -- with the school. | 5 And, you know, sometimes you fee--- you see |
| 6 And sometimes I guess teachers will park that | 6 people who are unable to park, and, you know, because |
| 7 don't find parking space in the parking lots for | 7 parents think, oh, I'm just going into the school for |
| 8 Bradley Hills will park on Folkstone. And that results | 8 five minutes, they'll sort of abut a little bit into my |
| 9 in additional demand. And, you know, for a school the | 9 -- my driveway. Because they think it's just for a few |
| 10 size of Bradley Hills, and I compare Bradley Hills to | 10 minutes. Yeah. |
| 11 Bethesda Elementary, the parking lots are not very | 11 MS. ROSENFELD: Okay. Mr. Khan, in your |
| 12 large. And one of the two parking lots in Bradley Hills | 12 opinion, will the proposed daycare expansion have an |
| 13 is -- is not available, because the buses use it during | 13 adverse effect on your use and peaceful enjoyment of |
| 14 the pickup and drop-off time. | 14 your property? |
| 15 So -- so that -- you know, even though both of | 15 MR. KHAN: Well, yeah. In -- in -- in the |
| 16 those parking lots are small, one of those is not | 16 context of, if, you know, it being associated with a |
| 17 accessible dur- -- or is restricted during certain | 17 parking waiver request for an additional parking on |
| 18 hours. That results in an even more constrained parking | 18 Folkstone, I think that would -- that would -- yeah. |
| 19 environment. So sorry. Yeah. That -- that I think is -- | 19 Result in an even more constrained parking environment. |
| 20 is -- is resulting in a lot of pressure. | 20 MS. ROSENFELD: This may sound redundant, but |
| 21 MS. ROSENFELD: And did you hear testimony | 21 it -- it's really not. Will the propo--- in your |
| 22 earlier today about the fact that parents who are | 22 opinion, will the proposed daycare expansion have an |
| 23 leaving that drop-off loop on -- on Folkstone can only <br> 24 make a right-hand turn? | 23 adverse effect on the amount of available parking in <br> 24 the immediate vicinity of your home? |
| 25 MR. KHAN: Yes. Indeed. So the flow is very | 25 MR. KHAN: Indeed, yes. |

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| MS. ROSENFELD: Do you have an opinion as to whether the proposed daycare expansion would have an adverse effect on the safety of residents on your street with the addition of that parking, offsite parking? <br> MR. KHAN: Yeah. Well, you know, as others have mentioned, this is -- there's already quite a bit of traffic in this neighborhood because of the school, because of the park. These are two unique factors 10 associated with this neighborhood. <br> You know, and I bought this house, there's <br> been discussion of this -- this house. I bought this house in -- in 2019. And, I mean, of course, everyone 14 - I -- I was not aware of the daycare. And -- and a -but, you know, overall, anything that increases traffic 6 to some extent would result in additional traffic in the area. <br> I mean, just to give you an example, I -- you <br> know, my mom lives with me for part of the years. She's elderly, so when she -- she has to go for walks, I go with her. And, you know, we're extra careful watching crossings compared to, you know, if she were at my sister's home where there's much less traffic, and we 24 don't really have to watch out crossing the street so 25 much. | -- as oppo- -- interfering with anyone else's right to <br> use their property, so they don't, you know, want to <br> really voice too much opposition to that. <br> So again, as I mentioned, I hope that the <br> applicant, who I, you know, consider my neighbor and my <br> friend, will take these concerns in the spirit of <br> sharing concerns in a friendly manner across neighbors. <br> Thank you. <br> MS. ROSENFELD: Thank you. Ms. LeWinter, I <br> 0 have no further questions for this witness at this time. <br> MS. LEWINTER: Mr. Mehdi, do you have any questions, cross-examination questions? <br> MR. AMINIZADE: No. I just want to thank you, Mr. Faruk Khan. And yeah. As I don't want to make him 16 an order, actually present -- show that we will be 17 friend, and it is actually -- thank to him to rise his 8 actually concerns. And no. That's the only things I 19 want to mention. <br> MS. LEWINTER: Is there anybody else who has any cross-examination questions for Mr. Khan? Excuse 2 me. Okay. Seeing and hearing none, Mr. Khan, thank you 3 for testifying. Ms. Rosenfeld, you were correct, that 24 was pretty short. So it's $12: 36$, if we could reconvene <br> 25 at one oh -- well, I'll say 1:10, unless anybody has |
| MS. ROSENFELD: Okay. Was there any final -- <br> any final thoughts or facts that you wanted to share with the hearing examiner in connection with this application? <br> MR. KHAN: I -- I think those -- you know, my main concern is -- is about -- is about the parking. And, you know, just the general point, I don't know how relevant that is, but a -- I think everyone in the neighborhood doesn't want to interfere with anyone 10 else's use of their property. <br> So everyone respects the fact that the <br> applicant is using their home for a daycare of up to 3 eight kids. And -- and, you know, it is their right to 14 do so under the R60 zoning rules, even though, you 15 know, as some have said, not everyone may want to buy a 6 property or live adjacent to a daycare. <br> But -- but yeah. If -- if -- if this -- if <br> 18 this is -- since this is an application for a zoning <br> 19 exception, that would mean that there is a property in 20 the neighborhood that has been approved for an <br> 21 exception into perpetuity, then -- then that, I think, <br> 22 is something that, you know, myself and probably other <br> 23 residents would prefer not to move forward. <br> 24 But again, I think -- I know other residents <br> 25 who, you know, they don't want to come across as -- as | ```None any specific concern or objection to that. Okay. All right. I'll -- MR. SPIEGEL:Ms. Rosenfeld, how many more witnesses are you calling? David Spiegel. MS. ROSENFELD: I -- I have two more witnesses. MR. SPIEGEL:Okay. And then after that, if -- the witnesses to the general public witnesses will testify? MS. LEWINTER: Yes. MR. SPIEGEL: Okay. Thank you. MS. LEWINTER:Thank you. All right. So I will see everybody at 1:10. Next witness, is that correct? [Lunch break taken] MS. ROSENFELD:Mr. Fried is my next witness. SWEARING IN OF WITNESS KENNY FRIED MS. LEWINTER: Okay. Mr. Fried, if you could 8 raise your right hand. Do you solemnly swear under 1 9 \text { penalties of perjury that the statements you're about} to make are the truth, the whole truth, and nothing but the truth? MR. FRIED: I do. MS. LEWINTER:Thank you. Ms. Rosenfeld, your witness. DIRECT EXAMINATION ``` |



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| 1 about an unofficial student drop-off. Can you just walk | 1 And so I'm very per- -- I'm very perceptive of |
| 2 us through those and explain what they -- what that | 2 little kids who do this all the time. And I'm also very |
| 3 means to you? | 3 perceptive of the parents who are not as careful as I |
| 4 MR. FRIED: Okay. So what happens is the | 4 am, not paying attention to them, and sort of just |
| 5 school designates two drop-off spots, one that you | 5 letting it happen. So I'm just really nervous about all |
| 6 enter on Madison that is on the bottom left hand corner | 6 that stuf |
| 7 that says, dro--- student drop-off point. And then | 7 MS. ROSENFELD: And I see on this Exhibit 29 |
| 8 there's the other one that we've already talked about a | 8 that you have a number of school buses that are |
| 9 bunch with that -- with a sign that -- that -- that's | 9 reflected on this. Is there a lot of school bus traffic |
| 10 right off of Folkstone, that tells people that they | 10 in your neighborhood? |
| 11 have to make a right-hand turn if they drop people off | 11 MR. FRIED: Yeah. I mean, there's a lot of -- |
| 12 So those are the two official drop-off points | 12 not only are the school buses that will go down, and |
| 13 But what people do, because it gets crazy on | 13 they'll come off of Greentree, that'll go down |
| 14 these things, and they don't want to wait on long | 14 Hempstead, and then they'll make a right on Madison. |
| 15 lines, or they're impatient, or they're late or | 15 And then they'll go right on -- on -- on Hartsdale to |
| 16 whatever, they drop people off at different places | 16 go to the official bus stop drop-off spot in the front |
| 17 One of the people they -- one of the places | 17 of the school. |
| 18 they drop off is right across from me to the left, | 18 But there are other buses that come through |
| 19 where there's an opening in the fence. There's a fence | 19 the neighborhood. There are buses that are going that |
| 20 there, and there's an opening, and that's the first one | 20 are taking kids to Pyle and to Whitman. And then |
| 21 that's on Hempstead that says unofficial student drop- | 21 there's also the French school bus, the French school, |
| 22 off. And then people -- so park there, and drop the | 22 which has a bus, that sometimes will double park in |
| 23 kids off there, and pick up there also. | 23 front of my house or a little bit to the left of my |
| 24 And then the other unofficial drop spot is on | 24 house sort of as a hangout spot when it's waiting to |
| 25 Madison where people who are supposed to be going and | 25 start its route. |
| 134 | 136 |
| 1 making a right hand turn to drop their kids off in the | 1 So I have the French school bus, now that's |
| $2-$-- like, sort of that parking lot there that's an | 2 inconsistent. Sometimes it hap- -- some years, it |
| 3 official one, they just don't pull up all the way and | 3 happens, some years it's ha- -- doesn't. But we never |
| 4 they drop their kids off on both sides of the street | 4 know when that's happening. So there are a lot of buses |
| 5 there. And so there's a lot of craziness going on back | 5 that do go through the neighborhood. And there's also a |
| 6 and forth. | 6 lot of buses in the summer. |
| 7 So when I take my daughter, who's in the third | 7 Even, you know, the da- -- the school isn't |
| 8 grade, when I take her there in the morning, we | 8 running during the summer. But Holton-Arms has a bus |
| 9 sometimes -- sometimes it depends. I'll -- if it's | 9 that drives through that's picking up kids in the |
| 10 raining, I will drive and I will add to the amount of | 10 neighborhood. And then there's other buses that are |
| 11 cars that are there because I don't want her to get all | 11 going through also. |
| 12 wet. | 12 My older kids, when they used to go to camp, |
| 13 But other times I'll walk her. And sometimes I | 13 their -- their bus stop was at Bradley Hills Elementary |
| 14 walk her down Folkstone, and sometimes I walk her down | 14 School in the -- the main parking lot. So that was |
| 15 Madison. And I'm -- I'm going to have Madison and -- | 15 their drop-off point. I don't know if that -- that camp |
| 16 well, actually, both of them. I do see the amount of | 16 that they go to still has that. But I know that that's |
| 17 parents that are dropping their kids off, and they're | 17 where I used to have to walk them to for the bus that's |
| 18 just darting out of cars. And they are not looking half | 18 going on. |
| 19 the time | 19 And these buses also do not go to the speed |
| 20 And why did -- why -- you know, why am I so | 20 limit. I have had to literally wa- -- I do this for |
| 21 passionate about this? Because I am so scared about | 21 cars all the time, because I -- it just drives me crazy |
| 22 kids, because I have one. My daughter who is 8 years | 22 that people are speeding. But buses go faster than they |
| 23 old has ADHD, and she is one of these people that darts | 23 should, and that's really dangerous. |
| 24 out of a car, or darts out of our house and does not | 24 And in fact, another point is that Hempstead |
| 25 look both ways. | 25 used to be so bad when they're used -- used to not be a |


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| 1 stop sign on Madison, my wife along with some other | 1 the last three or four years or so that people just |
| 2 people in the community went throughout and got | 2 have a total disregard, and they don't stop at stop |
| 3 signatures, and they were able to get a stop sign on | 3 signs. And it drives me crazy. |
| 4 Madison. Because people used to go -- and I've timed | 4 MS. ROSENFELD: Could we take a look at |
| 5 it. They used to go more than 45 miles an hour on our | 5 Exhibit 34, please? |
| 6 street before we had that stop sign, because it | 6 MR. FRIED: Su |
| 7 just encourage people to speed. | 7 MS. ROSENFELD: And this is a three-page |
| 8 And so there's a lot of stuff that goes on. | 8 exhibit. Mr. Fried, do you recognize Exhibit 34? |
| 9 And one of the things that I constantly do also is I do | 9 MR. FRIED: Yeah. I actually took video of the |
| 10 run out in the street and tell cars to slow down, and | 10 -- this comes from a -- this comes from a screenshot, a |
| 11 then I watch them as they don't. If they're making a | 11 snapshot taken from a video that I took on July 27 th at |
| 12 right on Madison, especially in the morning when the | 12 approximately 8:20 in the morning. |
| 13 parents are late with their kids, I tell them to slow | 13 MS. ROSENFELD: And we'll look at that video |
| 14 down, and then I turn around, and I watch them as they | 14 in a moment. But while we have these screenshots, could |
| 15 go past me to see if they're going to even stop at the | 15 you just talk briefly about what you -- what -- what |
| 16 stop sign. And these parents don't. | 16 this shows, in your opinion? |
| 17 I watch their cars as they make a right hand | 17 MR. FRIED: This shows that this is not during |
| 18 turn without stopping at the stop sign, they just drive | 18 the school year, and there aren't cars parked right now |
| 19 right through it like there's no stop sign there, or | 19 on this street, on the right-hand side in front of the |
| 20 they roll through it, or they slow down, but they don't | 20 gentleman who spoke before. These buses come zooming |
| 21 come to a complete stop. And then I watch them go and | 21 through, and they take sharp turns because they have |
| 22 then pull up into the parking -- in the queue to go | 22 to. Because of the -- especially if there's cars that |
| 23 into the parking lot to pull up there because they're | 23 are parked on either side of the road, this is how -- |
| 24 late | 24 this what they're forced to do. |
| 25 So all this stuff is happening early in the | 25 So there's a walkway that goes across just one |
| 138 | 140 |
| 1 morning. And then you throw in the mix of bicycles that | 1 way where the stop sign is, but not across Hempstead. |
| 2 are coming from the other side of Greentree that are | 2 But you'll see that the bus takes up the entire road |
| 3 coming on the path that was spoken about earlier. And | 3 when it does this. And this is how all the buses do |
| 4 those bike guys don't stop at stop signs, they just | 4 this because this is just the angle that they have, and |
| 5 roll through. And when they get speed, they don't slow | 5 they are in a rush to get where they have to be. |
| 6 down. And then you have that and then -- I'm sorry. | 6 MS. ROSENFELD: And could we see the next page |
| 7 MS. ROSENFELD: Mr. Fried, can I -- can I | 7 as well? Which essentially shows the same -- |
| 8 interrupt you for just a minute? I'd like -- | 8 MR. FRIED: It's a different -- it's a |
| 9 MR. FRIED: Yeah. | 9 different -- the different bus, like -- this is, like, |
| 10 MS. ROSENFELD: I'd like to back up just -- | 10 a different bus that was admitted earlier and just |
| 11 just a second. When -- when you talk about the vehicles | 11 doing same thing. Same cutting, you know, covering up |
| 12 that just sort of roll through at Madison and | 12 the whole -- you know, the whole walkway there on that |
| 13 Hartsdale, is that driving behavior unique to that | 13 crosswalk. |
| 14 intersection? | 14 MS. ROSENFELD: And number three? |
| 15 MR. FRIED: Well, I mean, it's the -- the | 15 MR. FRIED: This just shows you when a car is |
| 16 people nowadays, they don't -- I -- I witness when I | 16 coming across there and there aren't cars parked there, |
| 17 get mine from the after daycare at the school when I'm | 17 which there sometimes are, this is, you know, the -- |
| 18 coming home, and people have come out of dropping off, | 18 the speed that they're going. They don't slow it down |
| 19 picking up kids at Folkstone and stuff like that. I | 19 and stay on their side, in their lane, which they can |
| 20 totally witness cars that make the right without coming | 20 do. Then, you know, they're -- they got to get to where |
| 21 to a complete stop at the stop sign there wha- -- they | 21 they got to go. |
| 22 just roll through. | 22 And they -- they are -- they're not prudent |
| 23 So it's -- it's behavior that I see all the | 23 and they're not -- they're not taking their time. Some |
| 24 time now. And it's rea- -- it's worse than it used to | 24 of them do, but from what I witness during the school |
| 25 be. People used to stop at stop signs, but I'd say in | 25 year, especially in the beginning when everybody's |


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| ```late, this is where they are and they're -- they're cutting across both lanes. MS. ROSENFELD: And if we could just take a look at Exhibit 42, that is the -- the video that you mentioned a moment ago, so that we could see these buses as they move. MS. LEWINTER: I'm sorry. Ms. Rosenfeld, could you repeat that for wha- -- what did you --? MS. ROSENFELD: Sure. Exhibit 42, please. MS. LEWINTER: 42, sorry. I missed the number. MS. ROSENFELD: Quite all right. MS. LEWINTER: Here, let me -- let me -- let me back it up and start again. Wait -- wait, did I mess that up somehow? MR. FRIED: Yeah. You might have to -- you might have to exit out and start all over. Who knows? this might be ads or something like that because it's coming from YouTube. So -- MS. LEWINTER: All right. MR. FRIED: You might just -- X out the whole thing, just X out the top right-hand corner, start completely from the beginning again. MS. LEWINTER: Well, I think this was -- I just had thought I'd missed the beginning. 25 MR. FRIED: Okay.``` | the speed of this one, and the -- the difference of this one. And this is what we see sometimes. <br> And I get so scared that these buses coming <br> like this, with cars on both sides of the street, or even one side of the street being dropped off at the daycare, parents don't think about these things. And cars, buses, they -- they can -- they can be dangerous. <br> MS. ROSENFELD: And Mr. -- Mr. Fried, can you <br> identify where the -- the intersection or the location 0 where these are turning? <br> MR. FRIED: So they come off of Greentree Road 2 and then turn on to Hempstead. In this case, they were coming from, I guess it would be the south going 14 towards Old Georgetown Road. They make right on 5 Hempstead, and then they make their first right on 6 Folkstone. <br> MS. ROSENFELD: And then I know the video is 8 not showing right now. But at the very end there was a 9 black -- it looked like an SUV parked on the right-hand side of Hempstead. Do you know where that is located in relation to Mr. Khan's home? <br> MR. FRIED: Yeah. I think that that's -- you <br> 3 know, there's -- there's a sign there that says no 24 parking from here to corner, I think. And then that's, 25 like, the first spot that you can park, that would |
| MS. LEWINTER: But -- <br> MR. FRIED: Okay. <br> MS. LEWINTER: -- I think that's -- <br> MR. FRIED: So there's cars going, and this -- <br> I actually took this video because I was just trying to show how cars roll around the stop sign like that one in -- and sure enough, like, two minutes later, here comes the bus. And I'm like, oh, wow, look, here we have a bus, let's see how he does on this turn here. <br> So that one, I'm sorry, that went straight through. That was a Holton-Arms bus that was going for camp. And then I went back and then right after this one, that's where I took that snapshot from, you see 14 this guy's going normal speed, but you still -- he sees 5 -- he still has to come across, and almost hit the other side of the street in order to do this properly. <br> And he's then going to make the turn, which you'll see. And he's going at a decent speed, he's not doing anything that, you know, scares me, except the fact that he's got to then make that right, and then 21 take the whole street there. <br> 22 But then you'll see this next bus. And this is 23 just, you know -- I'm just, you know, -- was ready to 24 go home, and just go on my own thing there, and I'm 25 just going back. And here comes another one. Look at | probably be right in front of his place. <br> MS. ROSENFELD: And would that be your <br> understanding as to where the location of the -- <br> general location of the proposed offsite parking spot? <br> MR. FRIED: Yeah. As far as I know, that would <br> be the first spot that's legal on the right-hand side. Yes. <br> MS. LEWINTER: Is this the right spot? This is what you're talking about? <br> MR. FRIED: Yep -- yep. That car on the right, that SUV right there. Yep. And I want to say again that 12 I just went out here not to do anything on the buses, 13 but to sort of -- I was just getting so crazy about how 4 cars are not stopping at the stop signs, rolling 15 through. And that's why I went and shot the video. <br> 16 MS. ROSENFELD: And then you had also <br> 7 mentioned the -- there -- there are bikers. Are -- are 8 you familiar with bike use on -- on Hempstead Avenue? <br> 19 MR. FRIED: Yeah. I -- I ride a bike, you <br> 20 know, I -- I have fun on a bike. And yeah. So there's <br> 21 this trail that was -- that was mentioned earlier that <br> 22 the Washington Bike Association puts out for people who <br> 23 are commuting from North Bethesda, they're going to the 24 Capital Crescent Trail. <br> 25 So their suggested route is to go through -- |


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| 1 across -- across Greentree from us and come down | 1 this -- all this traffic is that there's also a walk- - |
| 2 through a cut -- cut off point that's from another | 2 - there's also a cut way walkway on Madison. I'll go to |
| 3 neighborhood that's up by the Ayrlawn YMC | 3 that sec- -- on Madison that people cut through to go |
| 4 And so that cut through that goes from Ayrlawn | 4 if your -- your kids are going to Pyle, or you're going |
| 5 YMCA on Hempstead, and then goes down this bike path, | 5 to Walt Whitman High School, the middle school and high |
| 6 it's a walking path and a bike path, those people come | 6 schoo |
| 7 down a hill, and then they go one block to Greentree, | $7 \quad$ The kids also from our neighborhood have to |
| 8 and then they cross over, and they continue in front of | 8 walk down Hempstead and then do this cut through which |
| 9 my house. | 9 is on Madison making a left-hand side going towards the |
| 10 So I see bikers all the time. And they're | 10 street behind my house. And so there are kids that are |
| 11 going at a nice speed, they've got helmets on and stuff | 11 also in this whole mix, that these older kids that are |
| 12 like that. But I watch as they don't stop at the stop | 12 walking from all different things while this is all |
| 13 sign of Greentree either. But, you know, there's -- | 13 happening. So I'm sorry. So maybe we can go in here |
| 14 there's sort of controversy on whether or not bikers | 14 next |
| 15 have to do that anymore. So -- but there is traffic | 15 MS. ROSENFELD: Oh, no. That -- that's quite |
| 16 from bikers also. That's in the morning. In -- in the | 16 all right. If -- if we could pull up Exhibit Number 41. |
| 17 afternoon, we also have bikers too. We've got a lot of | 17 MR. FRIED: Got it right here. |
| 18 kids. | 18 MS. ROSENFELD: Are you familiar with that |
| 19 MS. ROSENFELD: And could we take a look at | 19 exhibit? |
| 20 Exhibit Number 31, please. Mr. Fried, do you recognize | 20 MR. FRIED: Yeah. I took that picture. |
| 21 Exhibit 31? | 21 MS. ROSENFELD: Okay. And co- -- do you |
| 22 MR. FRIED: Yeah. This is a -- the -- I -- a | 22 remember what day, or approximately what day or time? |
| 23 suggested bike trail from North Bethesda to the Capital | 23 MR. FRIED: Yeah. I took that on July 27th. |
| 24 Crescent Trail that you go on to -- if you just go on | 24 Also at about, like, my -- my da- -- I just looked at |
| 25 to Google, and you Google bike trail on Hempstead | 25 my date stamp on my phone, and that was at 8:20 a.m. on |
| 146 | 148 |
| 1 Avenue, this pops up. And this tell you a route to go, | 1 July -- |
| 2 which takes you right in front of our houses | 2 MS. ROSENFELD: Thank you. |
| 3 MS. ROSENFELD: And there's a legend at the | 3 MR. FRIED: -- 27th. |
| 4 bottom of the map, and it's got a blue legend mark that | 4 MS. ROSENFELD: And in -- can you describe |
| 5 says, on street route, and a red that says bike path. | 5 what -- what that picture reflects, in your opinion? |
| 6 Can you describe whether or not on -- on Hempstead it's | 6 MR. FRIED: I was just -- you know, there was, |
| 7 an on-street route or a bike path route? | 7 like -- there was, like, one of the -- there was a kid |
| 8 MR. FRIED: Oh, it's an on-street route. They | 8 getting out of the -- the car to go to the daycare. |
| 9 don't go on the side -- they don't go on the sidewalks; | 9 MS. ROSENFELD: And do you have any concerns |
| 10 they go on the street. Yes. It's on street route. And | 10 about the location of that car? |
| 11 yes. They -- that -- they go right by me. | 11 MR. FRIED: Well, I don't love it when people |
| 12 MS. ROSENFELD: So if I go back to your | 12 park on a sidewalk. And if I ever do it in front of my |
| 13 Exhibit 29, that -- that would reflect the bikers that | 13 house, I am so nervous that I'm blocking somebody that |
| 14 you're showing on the -- | 14 I try to minimize that. And we have -- my family has |
| 15 MR. FRIED: Yeah -- yes. | 15 three cars, and I don't want to park in front of my |
| 16 MS. ROSENFELD: -- on Hempstead? | 16 other neighbor. And we have a lot of cars parked on ou |
| 17 MR. FRIED: Yep. Those are my little cute bike | 17 street. |
| 18 guys, or bike girls. | 18 And sometimes I don't even get to park in |
| 19 MS. ROSENFELD: And as well, I'd like to pull | 19 front of my house, because people will park there who |
| 20 up Exhibit 41, please. | 20 are dropping their kids off who are going to Bradley |
| 21 MR. FRIED: Before we do that, if you could | 21 Hills. So when that happens, I-- it's -- it's not -- |
| 22 just hold for -- | 22 it's -- it's not a safe thing to do, because people |
| 23 MS. ROSENFELD: Sure | 23 then have to detour doing that. |
| 24 MR. FRIED: -- one second. Going back to that | 24 And we have people, we have older people that |
| 25 thing, one thing I didn't mention also that adds to | 25 are walking on the sidewalk, and we've got little kids, |


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| and we've got bicycle kids who are riding. And then they sort of cut across the grass, and sometimes they'll just zoom out onto the street. So it can lead to -- it can lead to extra danger that if you didn't do that, you wouldn't have to worry about. <br> MS. ROSENFELD: Okay. Thank you. I also would like to just briefly have you identify exhibit number -- one second. Number 43, entitled MCPS before and after daycare. You had -- you had mentioned or -- or 10 testified earlier that you were familiar with the before and after school daycare. Does this just confirm 12 that there -- there is daycare at that Bradley Hills Elementary School? <br> MR. FRIED: Yes. I -- I -- I -- yes. I am -- I <br> want to say that yes. We use it. And also, I want to bring up something else which I didn't get a chance to in the very beginning. That my daughter, who is now in eighth grade, has actually used this daycare that we're talking about when she was in kindergarten. She has ADHD, and so she was not welcome at that -- at the daycare in the school at that time. <br> And so we used the daycare, and I just want to <br> say that it was a pleasant experience, and the people <br> 24 are very nice there. And they're so nice that when we - <br> 25 - that my wife just reminded me that we donated to them | doing it by car too, like, people who -- me who might walk would do a car kind of thing. <br> MS. ROSENFELD: And would the general -- can <br> you tell me what time the before and after school operates? Does it -- does it overlap at all with the proposed daycare hours of operation? <br> MR. FRIED: Well, the daycare operates, I <br> think it starts at like 7:00 o'clock in the morning and it goes until 6:00 o'clock at night. And I go -- I pick 0 up mine at 5:30 because she's there, it's such a long time. And I don't -- I feel bad, even though she really likes it so much that she'd rather stay. But I want to spend time with her too. <br> But I go to pick her up at 5:30. And I'm one of these people that I should walk there every time. <br> But if I'm in my car, and I'm going from someplace to 17 there, I will drive there. Yes. Out of laziness, which 8 is probably not right. But I drive there, and I pick 9 her up, and I add to the congestion even though I could walk there. <br> And that brings me back to -- I don't know if I'll get a chance to say this. But when I would take my daughter to the daycare down the street that we're 24 talking about here, when I would be going to work in <br> 25 the morning, I would actually drive her there |
| a piece of play equipment that we had when we didn't need it anymore. <br> So I just want to say, there's no animosity <br> towards these people, because they're very nice. And they're -- and so we like them. But I want to throw that in there. <br> Because I should say that my daughter has been at the daycare and has a good experience there. But going back to this, she now goes to this daycare at the 10 school. And as I mentioned before, it has, like, 75 people in it. And she's -- goes there and has a good experience there too. <br> MS. ROSENFELD: And what is the drop-off, 4 pickup route for -- for students who go here? Is it the 15 same as just all the students at the elementary school? <br> MR. FRIED: It all depends. It all depends <br> when they're getting there. So sometimes people will -18 they will go -- they'll get -- they're going there 19 early. And when they go in there early, they'll go in 20 that sort of official -- the official side parking lot <br> 21 that people can go into. And then they'll have to make 22 a right-hand turn and come back towards us by the sign. 23 Sometimes they will just drop off on -- on <br> 24 Folkstone because it's easier than having to go wait on 25 these lines. And when it's raining, there's more people | sometimes. <br> Because I would just -- even though I was only five houses away, and it's crazy that I did that, but I did it. And sometimes I would not be able to park right in front because there are other people dropping off at the same time as I was adding to that. <br> But going back to the daycare there, that when I pick her up at 5:30, there's other cars that are waiting, I sometimes have three or four cars that are 10 picking up at 5:30. And then if $I$ do it right at $6: 00$ o'clock, right before 6:00, there's a lot more. But I'd 2 say there's more around the -- the 5:15 to, like, 5:4013 ish kind of thing. People like me who are getting their 4 kid because they've been there long enough. <br> But I will -- and I -- if it's raining, or if 6 I'm coming from somewhere else, or I need to take her 17 somewhere, I drive and I do that whole driving thing, 18 I'm adding to, you know, traffic congestion. <br> 19 MS. ROSENFELD: So you're familiar with the 0 right hand turn only from the loop at the elementary 21 school. Is that correct? <br> 22 MR. FRIED: Yep. <br> 23 MS. ROSENFELD: Do you -- do you have a sense <br> 24 for during drop-off in the mornings, once parents make <br> 25 that right onto Folkstone, what the split would be |


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| 1 between drivers going left toward Greentree and drivers | 1 once I counted, like, 14 people with dogs. And my |
| 2 going right off of Folkstone? | 2 daughter also likes dogs so I would take her there in |
| 3 MR. FRIED: You know, it's so random. Because | 3 the morning and the afternoon. |
| 4 I do take perception of this, because I'm -- you know, | 4 So you'd have people who, besides walking and |
| 5 I'm outside and stuff like that, or I'm driving. I get | 5 coming from the Greentree side, or even some people |
| 6 so angry that they don't stop at that stop sign. So if | 6 would drive there because it was a real social thing. |
| 7 I'm outside and I'm just walking with mine, I, like, | 7 That's sort of what my daughter liked, hanging out with |
| 8 look at that stop sign a lot, because I'm look -- I | 8 all these different people. So there's a lot of action |
| 9 want to count in my head how many people aren't -- | 9 ther |
| 10 aren't following the law. | 10 After school starting at 3:30, that field is |
| 11 So I would say sometimes -- sometimes it's, | 11 filled up with people that are playing soccer. And not |
| 12 like, 70 percent going to the left to Greentree because | 12 just on one soccer field, but playing two or three |
| 13 people are going to work, and 30 percent going past my | 13 different groups, sometimes more, that are using the |
| 14 house. And other times it could be the other way | 14 soccer field. That soccer field is used from -- during |
| 15 around. It could be 70 percent making the right-hand | 15 the seasons is used from right when school ends all the |
| 16 turn, and 30 percent going to Greentree. I'd say it's - | 16 way until it gets dark. Even if it rains and they're |
| 17 - it's pretty split. | 17 not supposed to be there, they're on there. |
| 18 MS. ROSENFELD: Okay. | 18 And they -- they are older kids, younger kids, |
| 19 MR. FRIED: But it's definitely not all of | 19 it's a variety of everything. Plus, you throw in people |
| 20 them making a right go in front of my house. There's | 20 who are bringing their dogs and trying to fit that in. |
| 21 definitely ones going to Greentree too. Because then I | 21 Plus, you've got people like me who are taking mine to |
| 22 watch them to see if they're making the right, if | 22 the playgrounds, three different ones. Plus, you've got |
| 23 they're stopping at the stop sign on Greentree too | 23 the tennis courts now that are filled up, sometimes |
| 24 Which they don't, unless there's traffic coming. | 24 with lessons there. |
| 25 MS. ROSENFELD: Okay. I -- Ms. LeWinter, do | 25 Plus, you've got two different blacktop areas |
| 154 | 156 |
| 1 you mind giving me just a moment? I -- I want to see if | 1 there that are filled up with kids riding bikes on the |
| 2 there's other questions I want to ask before my closing | 2 blacktops and playing on different black tops. Plus, |
| 3 questions. Could I have just a couple of seconds to go | 3 you've got the basketball court. And on the basketball |
| 4 over my notes? | 4 court, there's also an organization, a company that |
| 5 MS. LEWINTER: Of course | 5 runs basketball training that I've looked into for my |
| 6 MS. ROSENFELD: Thank you. All right. Thank | 6 daughter. |
| 7 you. Mr. Fried, I do have a couple of more questions | 7 Plus, you have basketball training that goes |
| 8 before my -- my final set. On -- we've -- we've seen | 8 inside the gym, inside the school that goes on after |
| 9 exhibits and heard testimony earlier today about the | 9 school. So you have all of this potpourri of stuff |
| 10 park that is located between Bethesda El- -- Bradley | 10 that's going on with car people going, in going out. |
| 11 Hills Elementary School and -- and Hempstead. Can you - | 11 And that is five days a week until, you know, we get |
| 12 - do you have any knowledge about the uses there, and | 12 winter and the snow or whatever. |
| 13 do the users affect the circulation and parking on | 13 MS. ROSENFELD: And -- and the people who ar |
| 14 Hempstead? | 14 going, for example, to the soccer practices after |
| 15 MR. FRIED: So as I mentioned in the very | 15 school, do -- do most of them walk, are there people |
| 16 beginning, on my -- my -- we -- we don't have -- we | 16 who drive there and park? What impact does it have on |
| 17 only use -- our backyard isn't our backyard, we use our | 17 the parking situation on Hempstead? |
| 18 -- our play area is the park. So growing up with my | 18 MR. FRIED: There's a huge variety that park |
| 19 kids from my older ones that are past college with my | 19 and stay in their cars, that are -- you know, even with |
| 20 younger one, we live in that park all the time. I play | 20 the cars running if it's cold outside, or air |
| 21 tennis in that park, I take my little one to all three | 21 conditioning on in the summer. So there are people |
| 22 of the different playgrounds, and she has soccer | 22 parked on both sides of Hempstead in front of my house |
| 23 practice along with everybody else. | 23 a lot. |
| 24 And during the pandemic, a dog park started | 24 Then when I come home and want to park in -- |
| 25 there, an unofficial dog park with up to, like, some -- | 25 right in front, I have to park in a -- front of -- in |


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| front of a parking -- in front of a fire hydrant that I don't really love to do, because we have one of those in front of our house. <br> So there is a huge amount of cars that -during this kind of time that are parked on both sides, the thing -- of the street. Plus, thrown in with people who are staying through the daycare, and things like that, and other activities there. <br> Plus, you to- -- throw in the -- the Girls on 0 the Run that happens on Mon- -- Mon- -- Wednesdays and 1 Fridays, from 7:45-- 7:30 to 8:45 in the morning for the Girls on the Run that my daughter will be doing. <br> Plus, let's see what else. Yeah. There's -- <br> 4 there's just -- there's a lot of -- lot of stuff that's <br> 15 going in and out. More so in the afternoon than the 16 morning. But in the morning, you've got the -- the dog 17 park stuff starts at, like, no--- 7:00 o'clock and 18 goes sometimes until 9:00 o'clock. The qua- -- the fa9 -- the quasi-dog park. So you've got -- <br> MS. ROSENFELD: And -- <br> MR. FRIED: -- that going on too. <br> MS. ROSENFELD: And my next question really <br> goes primarily to the morning school drop-off. About <br> 24 what times our parents are arriving to drop off <br> 25 students, and what time are buses arriving to drop off | But these people sometimes don't look because people inherently cannot be -- are not careful sometimes. <br> And although we want to do everything we can <br> by putting up signs that say, you know, be careful, because there's kids playing and stuff like that, it doesn't matter to some people. And even though they're carrying their kids to daycare, because they want them to be taken care of where they get a good day care, they could be killed on the way to daycare. And that's why -- that's my biggest thing about this. I -- I care about that. <br> MS. ROSENFELD: Okay. And I -- Mr. Fried, I <br> have a few final questions. In your opinion, will the 14 proposed daycare expansion have an adverse effect on your use and peaceful enjoyment of your property? <br> MR. FRIED: Well, I have a feeling, selfishly, <br> that there'll be cars forced to park in front of my house sometimes, because there's more cars that are there, and the other people are parking on the street. <br> We have -- we -- we don't have a dra- -- a garage, we filled it and made it into a room. <br> So we sort of -- we have enough room for two cars, but it's really for one. But we do two sometimes. <br> But I think that there'll be more people parked in front of my house. So yeah. I think that that'll |
| students, particularly in the morning hours? <br> MR. FRIED: In the morning hours, I mean, there's parents that are going to the daycare at the school starting at 7:00 o'clock. So there's cars that are going there, not in a big way. But I would say right around, you know, with the buses coming at about $8: 35$-ish or so to, like, 8:50. Like, sort of the sweet spot there. <br> Then that -- also you got to throw in the 10 parents that are late, that are you know, sort of wanting to get their kids, or they got to get to work. And they're zooming by the street too, and not looking for anybody. <br> And then -- and -- and I -- I haven't pointed this out too, that I want to say that people are -16 people can be stupid. And I have watched people going 7 in and out this daycare when I was taking mine there or 8 even now, and they're taking a kid in a ca- -- in a baby carrier, and they've got another kid in their arm, and they are on -- they're parked across the street. <br> And they're not looking when they cross the street, they don't know how fast these cars are coming 23 off of Greentree. And I, like, almost want to yell out 24 sometimes. Like, stupid, look, you've got -- you've got 25 a kid here that can be killed by a bus or a car, look. | happen. <br> MS. ROSENFELD: Okay. In your opinion, will <br> the proposed daycare expansion have an adverse effect on the traffic volumes in the immediate vicinity of your home? <br> MR. FRIED: Yeah. There's going to be more. I mean, there's -- there's -- we're at the limit that's there right now. We're at crazy times when it's dangerous already. So if you take something that is dangerous all the time, and I -- I don't mean to say all the time. Dangerous during peak times, not all the time, dangerous during peak times when bad things can happen, and then you add more on top of that, yes. I'm scared of what can happen. <br> MS. ROSENFELD: Okay. In your opinion, will the proposed daycare expansion have an adverse effect on the amount of available parking in the immediate vicinity of your home? <br> MR. FRIED: Yeah. I think there'll be less <br> spots. I mean, there's going to be the -- the -- the <br> 21 spot that's going to be taken by the worker, and <br> 22 there's going to be people that are going to be forced <br> 23 to -- to sort of park by us. <br> 24 I -- I will say right now that the house to my <br> 25 right of me right now has, like, two cars parked in |


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| 1 front, plus a car in the driveway. And then they have a | 1 Mehdi, do you have questions for Mr. Fried? |
| 2 -- there's another car that they might be parking in | 2 CROSS EXAMINATIO |
| 3 front of that house, because they'd have some extra | 3 MR. AMINIZADE: Yes. I do. First of all, |
| 4 cars and stuff like that. So there's a lot of cars that | 4 actually, I want to thank him, to mention he's present |
| 5 are parked on the street right now | 5 actually. Experience with us, and we have the same |
| 6 So that -- you know, unfortunately, I'm the | 6 experience with Marnie [ph]. I would actually bring her |
| 7 next bump that's there. And people would rather park on | 7 to the school in the morning. And I -- actually for a |
| 8 the sidewalk with little kids just like I would do. If | 8 while, I was picking her up, and it was very pleasant |
| 9 I could park closer across the street and park there, | 9 actually, experience |
| 10 where I could park on -- where I had to get off my -- | 10 And my question is, you mentioned that, but I |
| 11 tell my kid to get out of the car, and you're getting | 11 couldn't understand well. What time you told actually |
| 12 right out onto a sidewalk, I'm going to do that. | 12 the bus come to the school -- the busses come to the |
| 13 And so there's going to be more people parking | 13 school? And that they would ---- and this they bring |
| 14 on my side of the street than there on the other side | 14 kids, which entrance normally? |
| 15 of the street for safety reasons, for common sense, i | 15 MR. FRIED: So the buses go to two different |
| 16 people have common sense | 16 pla- -- the buses just go to one place. The buses go |
| 17 MS. ROSENFELD: In your opinion, will the | 17 the main entrance in front of the school. That main |
| 18 proposed daycare expansion have an adverse effect on | 18 entrance, it has crossing guards from the school who |
| 19 the safety of residents in the immediate neighborhood? | 19 put up cones there to stop anybody else from going in |
| 20 MR. FRIED: Well, it's just adding extra | 20 there, because that's one of the other parking spots |
| 21 people. Like I've said, it's already -- it's already at | 21 and someone talked about |
| 22 its limits now. And so, you know, people might say, oh, <br> 23 it's only adding one, or two, or three, or four, or | 22 So those buses that come in off of Greentree, 23 and then also off of Brad- -- Bradmoor, they come |
| 24 whatever. But it should be less -- it should be less to 25 be safe. | 24 get the kids there. The school sort of -- the doors 25 open at 8:50, and so those buses are sort of starting |
| 162 | 164 |
| 1 And so we're at this limit already. And so one | 1 to come in. And we never did bussing, so I can't say |
| 2 or two, you're at the number where the -- one or two, | 2 that. |
| 3 it's not, like, oh, they're 600 kids at school, what's | 3 But so -- that I -- just from what I noticed |
| 4 one or two going to do? There should be, like, 500 kids | 4 from walking back and forth, I see the buses coming |
| 5 in the school. It's already over packed already. | 5 anywhere from probably, like, 8:35 or 8:40 to, like, |
| 6 And they've already built new parking lots | 6 8:50, 8:55, something like that. |
| 7 that already filled, and teachers have to park on | 7 MR. AMINIZADE: Thank you so much. And one |
| 8 Folkstone already and then walk. And there's parents | 8 more question. You mentioned about the parking they -- |
| 9 that are dropping off, because they don't want to have | 9 have you ever seen, for example, they par- -- any of |
| 10 to wait in line, because they're not following the | 10 our parents, which are actually, I think, maybe 100 to |
| 11 rules. So yeah. It's going to. | 11150 feet away from your house, park in front of your |
| 12 MS. ROSENFELD: And I -- I would have the same | 12 house? |
| 13 -- same question with respect to visitors, you know, | 13 MR. FRIED: No. I don't -- I -- right now, I |
| 14 people going to the daycare or the park. I think you've | 14 don't see that. I think that they're all, you know, |
| 15 already answered that if you want to elaborate a little | 15 parking, probably three -- two or three houses down |
| 16 bit. But would -- would it be the same response for | 16 from me, or more, on both sides of the street. But no. |
| 17 those cla- -- categories of people? | 17 I don't see that now. But I think that if there's more |
| 18 MR. FRIED: Yeah. I mean, we're -- we're -- at | 18 coming, and they want to be safe, and they want to drop |
| 19 peak times, there's a lot of people there. And not | 19 their kids off on the sidewalk, and there's no more |
| 20 during off peak times, not during lunch and stuff like | 20 spots left over, you know that my house would be there. |
| 22 And so yes. More is going to be more dangerous. | 22 more thing you mentioned about the kid's activity, |
| 23 MS. ROSENFELD: Okay. Thank you very much, Mr. | 23 running in -- for the school. Where -- where they |
| 24 Fried. I have no further questions for this witness. | 24 usually runs? Where -- where are they -- they? |
| 25 MS. LEWINTER: Thank you, Ms. Rosenfeld. Mr. | 25 MR. FRIED: Oh, the kids on the -- the run -- |


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| 1 the kids on the run. So that's an organization that -- | 1 MR. FRIED: There's -- I think the -- the |
| 2 women on the -- Girls on the Run, I'm sorry. And so | 2 limit is 75, and so I think that they're close to that. |
| 3 that starts in September, it starts right when school | 3 I mean, ours is going there now. So I think they have |
| 4 goes, and it goes to, I think, about a 10-week period. | 475 kids, and they all -- they, you know, sort of |
| 5 And then that picks up again in the spring. | 5 congregate or -- and go in an entrance from Folkston |
| 6 And that's on -- for Wednesdays and Fridays | 6 MR. AMINIZADE: [inaudible] and how many |
| 7 from 7:30 to 8:45. And they continue to do laps around | 7 people are attending in the -- in Bradley Hills |
| 8 Hempstead, to Madison, to Hartsdale, to Folkstone, and | 8 Elementary School? |
| 9 then they continue to go around, and around, and | 9 MR. FRIED: How many of those kids are going |
| 10 around. Some kids run, some kids walk | 10 to -- how many at Bradley Hills? |
| 11 Another thing I should say is what they -- | 11 MR. AMINIZADE: Yeah. |
| 12 when they're doing this, because I watch them do it, it | 12 MR. FRIED: I think there's -- I think that |
| 13 forces the people who are just walking for fun in our | 13 there's, like, 600 students. I'm not sure, but I think |
| 14 neighborhood, or little kids who are riding bikes, it | 14 there's, like, you know, between 550 and 600. Every |
| 15 forces them to go onto Hempstead because there's so | 15 you know, the school doesn't give you an estimate, |
| 16 many kids at one time. | 16 because they don't -- they don't know until the first |
| 17 So throughout this mix with all these bus goes | 17 day of school, as they tell us during the pre-stuff, |
| 18 -- going by, you have people who would have take the | 18 you know, how many -- how many grades, how many |
| 19 sidewalk, who then go in the middle of the -- go into | 19 classrooms they need. But they -- I think it's between, |
| 20 the street because there's so many kids that are going | 20 like, 550 and 600, something like that. |
| 21 by. | 21 MR. AMINIZADE: Okay. Thank you -- thank you |
| 22 MR. AMINIZADE: Are they running from -- in | 22 so much. |
| 23 front of our house as well? Or no? | 23 MR. FRIED: Sur |
| 24 MR. FRIED: No, no, no. They -- the -- they | 24 MR. AMINIZADE: I don't have any other |
| 25 don't go in front of your house. This is just the -- | 25 questions. |
| 166 | 168 |
| 1 the rectangular perimeter that goes from -- from the | 1 MR. FRIED: And I just want to say again that, |
| 2 intersection right past your house all the way to | 2 you know, we had a great experience there. So this is |
| 3 Madison, and then down to Hartsdale, and then making a | 3 nothing personal. This is more on my thing with safety. |
| 4 right back on Folkstone, and then back onto Hempstead. | 4 MR. AMINIZADE: Thank you so much. I |
| 5 So it does not -- that does not go in front of | 5 appreciate that. |
| 6 your house there. But it just adds to the amount of -- | 6 MS. LEWINTER: Was there anybody else with |
| 7 you know, amount of stuff that's going on, forcing | 7 cross-examination questions for Mr. Fried? Okay. Ms. |
| 8 people to walk off the sidewalk. | 8 Rosenfeld, did you have any redirect? |
| 9 MR. AMINIZADE: And one question, do you know | 9 MS. ROSENFELD: No. Thank you. Okay. Thank |
| $10-$ - they -- you mentioned unofficial students coming and | 10 you, Mr. Fried. You can be -- |
| 11 park somewhere in the Folkstone, or in front of your | 11 MR. FRIED: Thank you. Appreciate it, thank |
| 12 house. Do you have an estimate what time you mentioned | 12 you. |
| 13 they are in a hurry, and they actually park anywhere | 13 MS. LEWINTER: Ms. Rosenfeld, I think you have |
| 14 they can, what time they actually use those parking? | 14 one more witness. Is that correct? |
| 15 MR. FRIED: That's usually probably anywhere | 15 MS. ROSENFELD: That's correct. I have one |
| 16 between 8:30 and, like, 8:50 in the morning. But in the | 16 last witness. |
| 17 afternoon -- but in the afternoon, they're there from | 17 MS. LEWINTER: Okay. And Mr. Bentson? |
| 18 there -- they're there even picking up kids. They're | 18 MS. ROSENFELD: Yes. Mr. Bentson. |
| 19 sometimes there, they're picking up kids, and they tell | 19 MR. BENTSON: Yes. Indeed. I'm here. |
| 20 them just to come across the field. So in the | 20 SWEARING IN WITNESS JAMES BENTSON |
| 21 afternoon, it can be any time from 3:30 to dusk. | 21 MS. LEWINTER: Great. Thank you, Mr. Bentson. |
| 22 MR. AMINIZADE: Thank you. And you mentioned | 22 Can you raise your right hand, please? Do you solemnly |
| 23 about the -- actually, the daycare in the Bradley Hills | 23 swear under penalties of perjury that the statements |
| 24 Elementary School. How many people are attending, how 25 many kids are attending at that daycare? | 24 you are about to make are the truth, the whole truth, 25 and nothing but the truth? |
| 25 many kids are attending at that daycare? | 25 and nothing but the truth? |


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| 1 MR. BENTSON: I do. | 1 offer Mr. Bentson as an expert real estate appraiser in |
| 2 MS. LEWINTER: Thank you. Ms. Rosen- -- | 2 this case, please. |
| 3 DIRECT EXAMINATION | 3 MS. LEWINTER: Is there any objection? Okay. I |
| 4 MS. ROSENFELD: Yes. Mr. Benson, thank you for | 4 will give him that designation. |
| 5 being here today. | 5 MS. ROSENFELD: Okay. Mr. Bentson, are you |
| 6 MR. BENTSON: Sure | 6 familiar with the application for the 12-student |
| 7 MS. ROSENFELD: Would you please state your | 7 daycare conditional use at 8801 Hempstead? |
| 8 name and your business address for the record? | 8 MR. BENTSON: Yes. |
| 9 MR. BENTSON: James E. Bentson. 2138 Lake | 9 MS. ROSENFELD: And have you looked generally |
| 10 Drive, Pasadena, Maryland. | 10 at the surrounding neighborhood? Are -- are you |
| 11 MS. ROSENFELD: And could you please give us | 11 familiar with the characteristics of the neighborhood? |
| 12 your professional background and training? | 12 MR. BENTSON: Yes. I've -- I've performed many |
| 13 MR. BENTSON: I attended American University | 13 appraisals in and around that neighborhood in |
| 14 and got a degree in real estate and urban development. | 14 particular. |
| 15 And for the past -- actually, for 38 plus years now, | 15 MS. ROSENFELD: Okay. And are you familiar |
| 16 have -- I went right into doing residential real estate | 16 with Ms. Murphy's house and where it's located in |
| 17 appraisals, and have performed probably closer to | 17 connection with the subject property? |
| 1815,000 appraisals over the years. It's -- it's been a | 18 MR. BENTSON: Yes. I've been to the property, |
| 19 great career. | 19 and I've been to -- well, I've been past the -- the |
| 20 But I have also been state -- Maryland state | 20 property in question as well. |
| 21 certified as an -- a real estate appraiser. And I've | 21 MS. ROSENFELD: Okay. And when you say you've |
| 22 got a CREA designation from the National Association of | 22 been to the property, you mean you've been -- been to |
| 23 Real Estate Appraisers. And I'm also a realtor, a | 23 Ms. Murphy's property? |
| 24 practicing realtor. So I've got -- I'm a member of the | 24 MR. BENTSON: Yes. To -- just to see the |
| 25 National Association of Realtors, Maryland Association, | 25 proximity, get familiarized with just the logistics of, |
| 170 | 172 |
| 1 Greater Capital Area Association of Realtors. | 1 you know, the children in the backyard, that kind of -- |
| 2 MS. ROSENFELD: And, Ms. LeWinter, I | 2 that kind of walkthrough, basically. |
| 3 apologize. I -- Mr. Bentson's CV is at Exhibit 28. Just | 3 MS. ROSENFELD: Okay. And do you have a |
| 4 so you -- you have that available, and if you could | 4 professional opinion as to whether or not expansion of |
| 5 show that to the applicant as well. Mr. Bentson, what | 5 this daycare would have an impact on the value of Ms. |
| 6 is CREA stand for please? | 6 Murphy's --? |
| 7 MR. BENTSON: Certified Real Estate Appraiser. | 7 MR. BENTSON: I do. And it -- it most |
| 8 MS. ROSENFELD: Okay. And you -- you're -- | 8 definitely would. One thing that hadn't been mentioned |
| 9 you're certified in Maryland, and you're also a member | 9 that I was curious that no one had mentioned it, Ms. |
| 10 nationally. Is that what I heard you say? | 10 Murphy's property is elevated above, let's see, Mehd- - |
| 11 MR. BENTSON: Yes. | 11 - Mehdi's property. So it's kind of overlooking. And it |
| 12 MS. ROSENFELD: Okay. Ms. LeWinter, I would | 12 -- it -- it kind of -- it -- it makes it even more of a |
| 13 like to -- oh -- oh, one more question. Mr. Bentson, | 13 -- of an adverse site influence when you're overlooking |
| 14 have you ever been qualified as an expert before the | 14 that. It's not like it's a level where you can block it |
| 15 office of zoning and administrative hearings here in | 15 off with a privacy fence type situation. |
| 16 Montgomery County? | 16 MS. ROSENFELD: Okay. Do you -- |
| 17 MR. BENTSON: Yes. There was a case, and I | 17 MR. BENTSON: And -- |
| 18 believe it was 2017. | 18 MS. ROSENFELD: Oh, I didn't mean to cut you |
| 19 MS. ROSENFELD: Okay. And you were accepted -- | 19 off. |
| 20 MR. BENTSON: Case -- the case number was, | 20 MR. BENTSON: No. There -- there's just a |
| 21 let's see, CU 17-14 on the matter of Robin Rice. | 21 couple of things. I-- in general, a couple of other |
| 22 MS. ROSENFELD: Thank you. And was that a | 22 witnesses, the -- the lady across the street, I |
| 23 conditional use or a special exception case? | 23 apologize, I don't remember her name. But she mentioned |
| 24 MR. BENTSON: Yes. Regarding a daycare center. | 24 it -- that it's just tight. And it is, it's tight. When |
| 25 MS. ROSENFELD: Ms. LeWinter, I would like to | 25 I was driving the neighborhood, t's very tight with -- |


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| 1 with cars parking on -- on either side. Getting around | 1 opinion for the properties that are nearby or across |
| 2 there, it's already tight. | 2 the street within the immediate vicinity? Do you have |
| 3 And then your last -- Kenny Fried was talking | 3 an opinion as to whether or not expanding this daycare |
| 4 about -- he just was saying how there's a lot going on. | 4 would have an impact on the value of those properties? |
| 5 And there -- certainly when I was there was -- there | 5 MR. BENTSON: I would think in -- in a |
| 6 was a lot going on. So I can't imagine more going on | 6 different way. Yes. With the parking and the additional |
| 7 that wouldn't have an impact on -- on someone thinking | 7 traffic involved. Yeah. I mean, that -- it -- it's |
| 8 whether or not they're going to buy a home in that | 8 almost -- it's like a busy street, or it's like a |
| 9 immediate neighborhood. | 9 railroad behind your house. It's -- it's what we call |
| 10 MS. ROSENFELD: And I'm going to ask you first | 10 an adverse site influence, and we deal with it when |
| 11 specifically about Ms. Murphy's property. Do you have | 11 we're looking at comparables. We're looking at |
| 12 an opinion as to what impact adding four children to | 12 comparables that have a similar adverse site influence, |
| 13 this daycare would have on the value of her property? | 13 you know, com- -- trying to compare apples to apples to |
| 14 MR. BENTSON: As far as -- it can only -- it | 14 see if there's a correlation |
| 15 can only be looked at as a negative. And from a -- like | 15 And, like, if I was going to do an appraisal |
| 16 your realtor testified, you lower your pool. If you | 16 on Ms. Murphy's house, I would look for something that |
| 17 have a pool of 10 buyers, you -- you cut them in half | 17 had something negatively affecting it, whether it was a |
| 18 immediately, because the first five don't want to live | 18 busy street. A busy street is easy to find, because |
| 19 near a daycare center. | 19 there's plenty of homes that have sold on busy streets. |
| 20 And then the other five may, but they're going | 20 But they've sold at a discount. |
| 21 to want to be purchasing that home at a -- at a | 21 MS. ROSENFELD: Do you have a -- have -- have |
| 22 significantly less price. And in that neighborhood, | 22 you -- do you have a professional opinion as to some |
| 23 that can be significant in itself, because you're | 23 sort of range of impact financially that this use might |
| 24 talking about properties that are over a million | 24 have? |
| 25 dollars to begin with, because of the location. | 25 MR. BENTSON: We try to extract from the |
| 174 | 176 |
| 1 And of course, everyone's heard in real | 1 market when we're looking at recent sales, we try to |
| 2 estate, location, location, location. But if you're | 2 match, again, apples to apples. So we find one house |
| 3 located backing to a -- a daycare center, that's not | 3 that is on a quiet street, and then one house that has |
| 4 the greatest location anymore. So the price would | 4 very similar characteristics, say another split level |
| 5 certainly go down. | 5 home matched up with a split level home that's on a |
| 6 MS. ROSENFELD: It -- did you hear Mr. Gill's | 6 busy street. And how much less has the one sell -- sold |
| 7 testimony earlier? | 7 for, given that all other factors are pretty |
| 8 MR. BENTSON: Yes. | 8 equivalent. |
| 9 MS. ROSENFELD: And I believe he said that | 9 And it's a -- from my -- from my experience, a |
| 10 there would be an impact from an eight-child daycare | 105 to 10 percent loss in value. A 10 percent adjustment |
| 11 center, and he thought it would be a greater impact if | 11 is very, very reasonable, if not more. I mean, I -- I |
| 12 it were 12. Do you -- do you agree with that? | 12 can show examples of a home that's on a busy street |
| 13 MR. BENTSON: Yeah. It would have to. Because | 13 selling, and then another home that's off a busy street |
| 14 I mean, I -- I saw -- I -- I was at the site, I saw the | 14 in that -- in that general area of Bethesda, and it |
| 15 size of the backyard. And then I saw in one of the | 15 might be a \$300,000 difference on a $\$ 1.5$ million, $\$ 1.6$ |
| 16 exhibits, I believe it was Exhibit 29, the play area | 16 million home. So in those cases, it's more than 10 |
| 17 that I guess that's been diminished in half by having a | 17 percent. |
| 18 greenhouse now there. Whether or not that's going to | 18 MS. ROSENFELD: Okay. And you, I -- I believe, |
| 19 stay or not, I wasn't sure. | 19 were here as well for the applicant's testimony when he |
| $20 \quad$ But it seems like a really limited space and a | 20 was talking about three other home sales in the |
| 21 limited area already. And to add additional small space | 21 neighborhood. Are you familiar with those exhibits? |
| 22 for their outdoor activities, I mean, kids do have to | 22 MR. BENTSON: Yeah -- yeah. I pulled those up |
| 23 run, and play, and do what they do. And the noise | 23 just -- you know, I was curious just to see. I mean, it |
| 24 associated with that will -- will affect the value. | 24 has been a seller's market. The -- the fact that the |
| 25 MS. ROSENFELD: Okay. And do you have an | 25 pandemic was -- the -- the real estate market did not |



| 1 | from the fact that you cited some of these comparables, |
| :--- | :--- |
| 2 | but you didn't look at other comparables that sold for |
| 3 | much higher. So I mean, I understand it sounds like |
| 4 | it's -- it's been a great business. Even Mr. Fried said |
| 5 | he -- he took his own child there. |
| 6 | But it definitely has an adverse impact on |
| 7 | adjacent properties behind you, next to you, on either |
| 8 | side, and down the street just because of the traffic. |
| 9 | So that's just my professional opinion, and I've done |
| 10 | this for a long time. I would -- if we were -- if |
| 11 | someone was taking out a mortgage on this house, I |
| 12 would have to address this whole issue. |  |
| 13 | MR. AMINIZADE: Yeah. Thank you so much. And |
| 14 | one more question. Mr. Fried mentioned about all |
| 15 | activities are happening in the Bradley Hills Park, and |
| 16 | Bradley Hill Elementary School. If 600, something like |
| 17 | that, kids and about the -- all people from the |
| 18 | neighborhood who are enjoying from the park, and from |
| 19 | the playground in the park. |
| 20 | And for the -- another, actually, daycare |
| 21 | right now with 70 kids in the school, it's -- are |
| 22 | actually in Bradley Hills and in the school. Also we |
| 23 | have the Suburban Hospital very near to our houses. And |
| 24 also, we have the NIH, which is actually, again, right |  |
| 25 | here. And all of those, actually, things make our |

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neighborhoods very crowded, as all of the witness
mentioned, about the -- all activities are happening here.

How, actually, do you -- how much do you think adding four kids to 700 kids over there, and a lot of people attending NIH , and many people attending in the park, actually, how -- percentage is that actually affect the neighborhood, is four more kids?

MR. BENTSON: Well, I think you're -- you're 10 stating the obvious. There is a lot going on in the 11 neighborhood with so much activity already, and you 12 want to double your capacity. So it -- you can't break 13 out a percentage and say, four more kids is going to 14 take off 2 percent of her value regarding Ms. Murphy or 15 your other neighbors. It -- it's not that easy.
16 But to just say that, hey, we're going to
17 continue to grow this business that should or should
18 not be there already. And it's -- honestly, it's not 19 necessarily, I don't think, value-wise fair to your
20 neighbors. It's -- it's just affecting them.
21 And there's been testimony, I've seen or heard
22 that. But I don't need to see and hear all that, I knew
23 all this before because I do these kind of cases all
24 the time. And -- and sometimes it's difficult when you
25 have an adverse site influence.
amazing. But I've been through a few cycles too. And there are times when, if interest rates go a little higher, economy changes a little bit, you have for sale signs all throughout your neighborhood. And if you have an adverse site influence, your home is going to be one of the last to sell, just -- or the lowest to sell.

It's just -- but it's not really a percentage type thing that I can -- I can tell you how much four 10 more kids are going to add. It just -- that's not even doable. It's just, is it a negative? Yes. How much is it a negative? It's -- it's hard -- you know, it's hard to quantify.

But it's something that I would -- certainly
like I said, I would have to address if -- if someone
16 adjacent to you was getting a mortgage, getting a loan.
17 I do appraisals for banks and mortgage companies all 18 the time, that's what I do predominantly. And it's -19 it's hard.
20 Because of the increased, you think you're
21 living in a -- or moving to a residential neighborhood, 2 then all of a sudden, these people don't live here. They're just coming and going. So --

MR. AMINIZADE: And thank you so much, I don't have any further questions.

1 MR. BENTSON: Sure.
MS. LEWINTERS: Mr. Kahn, do you have a question?

MR. KAHN: Yes. Thank you, Jim, for your question -- for your testimony. You know, given this --

MR. BENTSON: Sure.
MR. KAHN: -- focus on how much incremental affect, uh, four kids would -- would have, I want to ask you, you know, two questions.

The first, if my understanding is correct, what you have said, is the existence of an eight-kid daycare, which is allowed under R60 zoning standards, is already having an impact on the property values of adjacent homes; is that correct?

MR. BENTSON: Sure. Yes, it is.
MR. KAHN: Okay. My next question is, you 7 know, given the question about incremental affect from 8 four more kids. If I were a potential buyer and I were to come to you and say, okay, I understand the adjacent daycare which is allowed under R60 would have -already has an impact on the values.

If I were to ask you, but now I understand
23 that the property in -- also has a zoning exception
24 approved -- the adjacent property also has a zoning
25 exception approved, would that -- you know, what would

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| 1 be the increment effect of that? So, just the fact that | 1 MS. ROSENFELD: I don't see him. |
| 2 the adjacent property has an approved zoning exception | 2 MS. LEWINTERS: Uh-oh. Okay. Ms. Rosenfeld do |
| 3 would that have an effect on the values of adjacent | 3 you have his cell phone, maybe you could call him -- |
| 4 properties? | 4 MS. ROSENFELD: Yes. |
| 5 MR. BENTSON: It -- it -- honestly, it -- it | 5 MS. LEWINTERS: -- I'm assuming he's trying to |
| 6 starts to get, okay, how far along are they in the | 6 get back in but just to -- |
| 7 process. Did they get approved? We would not get in | 7 MS. ROSENFELD: [inaudible] back. Let me see |
| 8 that -- that in depth with finding out other than just | 8 what I can do. |
| 9 the fact that this is an increase daycare facility that | 9 MS. LEWINTERS: Okay. |
| 10 has an adverse impact. It -- it's kind of for me, it's | 10 Mr. Kahn, if your -- if your question is done, |
| 11 -- it's cut and dry. | 11 if you could just take down your hand, I'd appreciate |
| 12 Difficult sometimes to pull -- pull that value | 12 it . Oh, thank you. |
| 13 out of the market but I -- you know, I -- it didn't | 13 MR. KAHN: Okay. That's done. Yeah. |
| 14 take me long to do that with the three sales that he -- | 14 MS. ROSENFELD: Ms. LeWinters, we're -- we're |
| 15 that -- that he cited, especially the one -- glaring | 15 having a hard time reaching him by phone at the moment. |
| 16 one was in Alta Vista Terrace on Ewing that really | 16 He might be trying to get back on. |
| 17 jumped out at me because those are all apples to apples | 17 MS. LEWINTERS: Yeah. |
| 18 comparables that really took the -- the one that he | 18 MS. ROSENFELD: I -- I would not object if you |
| 19 cited looks like it really took a hit because of its | 19 wanted to move forward with other witnesses and then we |
| 20 adverse site influence. | 20 can bring him back for any final questions. I do have |
| 21 But to your question, it -- it -- that starts | 21 some very limited re-direct but I -- I don't see any |
| 22 to get down into a little bit deeper into the weeds | 22 reason to hold the hearing up while he -- |
| 23 than -- than we get. We -- we don't really -- you can't | 23 MS. LEWINTERS: Okay. |
| 24 pull that kind of number out. And if it's been approved | 24 MS. ROSENFELD: -- tries to reach us. |
| 25 or if it's not been approved. | 25 MS. LEWINTERS: That sounds fine. Mr. Spiegel, |
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| 1 MR. KAHN: Okay. That's it, no further | 1 I see your hand is up. |
| 2 questions. | 2 MR. SPIEGEL: Yeah, I just -- it's just a |
| 3 MR. BENTSON: Sure. | 3 timing question. Again, I've been on this hearing for |
| 4 MS. LEWINTERS: Are there any other cross- | 4 most of the hearing and I'm wondering if we're up to |
| 5 examination questions? | 5 the part now with witnesses who are not affiliated, if |
| 6 Ms. Rosenfeld, can I ask him one clarifying | 6 I could have my five minutes or 10 minutes and if |
| 7 question if you -- before you have any redirect? | 7 that's possible. |
| 8 MS. ROSENFELD: Yes. | 8 And -- and I realize that probably Mr. Mehdi |
| 9 MS. LEWINTERS: Mr. Bentson, I thought I heard | 9 may have some witnesses too, but if it's possible, I'd |
| 10 you say that once it -- if the conditional use is | 10 like to talk and get on with the rest of my day. |
| 11 approved, the disclosure would have to be different | 11 MS. LEWINTERS: Yes. No, you're -- you're |
| 12 because it's a different level of operation. Did I | 12 correct, sir, that if Ms. Rosenfeld has concluded her |
| 13 understand that correctly? | 13 case, which is my understanding. You know, assuming, we |
| 14 MR. BENTSON: I -- I only surmised that a | 14 get Mr. Bentson back on to finish up. But the next part |
| 15 realtor listing the home would have to disclose the | 15 would be to have any other person in opposition present |
| 16 fact that it's adjacent to a -- a daycare center. I | 16 their case. Mr. Mehdi will have a chance at the end for |
| 17 don't know -- | 17 rebuttal if he wants but that comes after. So - |
| 18 MS. LEWINTERS: Okay. | 18 MR. SPIEGEL: Yeah, yeah. |
| 19 MR. BENTSON: -- if John would be -- if he | 19 MS. LEWINTERS: -- since you've been so |
| 20 would have to disclose also that it's going to become a | 20 assertive, sir, and I mean that in no -- no judgement, |
| 21 larger daycare center if -- if Ms. Murphy was to put 22 her home on the market. But -- | 21 if you'd like to proceed with your testimony, we can do 22 that and if you can raise your right hand. |
| 23 MS. LEWINTERS: Wouldn't -- I guess would that | 23 SWEARING IN OF WITNESS MR. SPIEGEL |
| 24 disclosure be different whether it was 8 or 12? Uh-oh. | 24 MR. SPIEGEL: Yes. |
| 25 Is he still here? | 25 MS. LEWINTERS: Do you solemnly swear under |


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| 1 penalties of perjury that the statements you are about | 1 and I -- I should say, by the way, where -- where I |
| 2 to make are the truth, the whole truth, and nothing but | 2 live, I'm only -- I'm on two houses away and actually |
| 3 the truth? | 3 maybe to position my testimony, Ms. Rosenfeld if you |
| 4 MR. SPIEGEL: Yes, they are. They are. | 4 are still there, I appreciate it if you could pull up |
| 5 MS. LEWINTERS: Okay. | 5 Exhibit 18, Figure 1 so I can show where my house is |
| 6 MR. SPIEGEL: Thank you very m | 6 and that might help -- be a little bit helpful. 18, I |
| 7 MS. LEWINTERS: You may go ahead. | 7 think that's the one I want. 18 and then there's a |
| 8 MR. SPIEGEL: I appreciate your indulgence. I | 8 figure in there that has the -- yeah, the -- the |
| 9 appreciate your indulgence Ms. Rosenthal -- Ms. | 9 aerial |
| 10 Rosenfeld. If your witness comes back on and you want | 10 So right near that red square, that big red |
| 11 to interrupt, I guess, you know, raise your hand. Okay? | 11 square where the -- the group daycare center is go |
| 12 MS. ROSENFELD: I -- I -- I have no objection | 12 we are two houses over right at the -- right next to |
| 13 to you finishing your testimony -- | 13 Fiasa [ph] Fortuna's house. She's the next-door |
| 14 MR. SPIEGEL: Okay. | 14 neighbor and then we're the next house over. So, we |
| 15 MS. ROSENFELD:-- [inaudible]. | 15 have a view of Folkstone and a view obviously of |
| 16 MR. SPIEGEL: I -- I'll make the lawyer's | 16 Hempstead Avenue. |
| 17 statement; I'll try to be brief and you'll probably all | 17 And -- |
| 18 hate me after business is over but I'll start. I'm -- | 18 MS. LEWINTERS: Mr. Spiegel, if I can |
| 19 I'm going to give a bit of a historic perspective | 19 interrupt you. If you can see my cursor, is that your |
| 20 I am a -- an -- an attorney. I'm a retired | 20 house? |
| 21 attorney. I work with the New York State Attorney | 21 MR. SPIEGEL: That is exactly right. That's |
| 22 General's office and with a variety of federal agencies | 22 correct. Thank you. Thank you. I appreciate that. |
| 23 and most of my career was spent in trial litigation in | 23 Please feel free to interrupt. |
| 24 state and federal courts, mostly in federal courts. | 24 So obviously, you know, we do feel an economic |
| 25 We, my wife and I, have lived in this | 25 impact from this. But I don't want to really start |
| 190 | 192 |
| 1 neighborhood for about, you know, this is a big gulp, | 1 there. I'd like to start with neighborhood character, |
| 2 for about 46 years. We've raised three children in this | 2 with safety and, you know, then maybe back into value. |
| 3 neighborhood, and we now have a number of grandchildren | 3 The first inkling that we had of this and |
| 4 who come to visit us. | 4 obviously -- and -- and first of all as a retired |
| 5 The attraction of this neighborhood, and | 5 attorney, I -- I'm not -- I'm -- I'm adverse to things |
| 6 really what kept us here through our kids' entire | 6 like golf. I still have a professional [inaudible] I do |
| 7 growing up process and they're all now accomplished | 7 and including an independent professional writing |
| 8 professionals, is the fact that it has a neighborhood | 8 career. I've published a number of articles and, you |
| 9 character. | 9 know, and I'm also learning languages, so I'm around |
| 10 It's got the small size of the houses is | 10 the house. The bottom line is I'm around the house |
| 11 actually a nice plus. It -- and it's not -- it's not a | 11 enough that I can see the impact. |
| 12 neighborhood of mixed uses, it's a neighborhood of -- | 12 There is an obvious impact in the morning. |
| 13 really of just very nice peaceful neighbors that aren't | 13 Parking is more crowded and that's a very busy time in |
| 14 running home businesses. And I'm -- I'm kind of | 14 the -- in -- on the street. What happens is because, as |
| 15 hesitating to call a home -- you know, a home care set | 15 Mr . Fried testified, they can pushed forward from the |
| 16 up a home business but in terms of its impact here, I | 16 houses in back of us, they're further away. As I push |
| 17 think that's exactly what it is. | 17 forward, obviously it has an impact on the houses that |
| 18 At -- during the course of these 46 years, I | 18 are closer to the drop-off point. So there's that. |
| 19 have never -- me and -- my wife nor I have ever | 19 And there's also the safety issue. There's no |
| 20 witnessed anybody open a -- a daycare center. And this | 20 getting away from the fact this is a neighborhood, it's |
| 21 particular operation that Mr. Mehdi is -- and his wife | 21 gotten busier and busier and busier all the 46 years |
| 22 are operating really fall below the radar screen. He | 22 we've been here. It has not changed its character. The |
| 23 moved in, as I understand his testimony, in 2018. He | 23 houses are very, very similar but the schools got more |
| 24 started it in early 2019. | 24 busy and something like this adds to the issues. |
| 25 The first time it really hit my radar screen, | 25 It immediately adds to it from my perspective, |


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| 1 and it adds to it in a real way because the turnoff | 1 1980s and 1990s, it's a small neighborhood with small |
| 2 that all the cars have to make is right past this house | 2 houses. I had no reasonable expectation of that. |
| 3 to go into the -- to the elementary school. So there's | 3 And I -- I was kind of shocked to learn th |
| 4 no ducking that. | 4 up to eight kid- -- eight children are in the house now |
| 5 Now, I guess one other thing before I -- I get | 5 and to go to 12, I don't know what -- what Mr. Mehdi |
| 6 to again my immediate concerns, I was a little bit | 6 and his wife are thinking. |
| 7 appalled by the notice process that occurred here. It | 7 So that's really, I guess a historic |
| 8 seemed to me that the applicants either because they're | 8 perspective of this. And I guess one other thing that |
| 9 not attorneys or because maybe they wanted to fall | 9 really stuck out to me when I-- when I asked them, Mr. |
| 10 below the radar screen, really kept the notice of this | 10 Mehdi, on cross, who are the employees and where h |
| 11 very low key and the first we knew about it was really | 11 children are now, he volunteered that he and his wife |
| 12 around mid-July. | 12 are really the key employees. |
| 13 And that's unfortunate. It's unfortunate | 13 Right now, he has a part-time employee as I |
| 14 because this is a hearing right now that is | 14 understand during his testimony and he'll have to go |
| 15 circumscribed by certain substantive rules about what | 15 out looking for a new employee if that one quits. |
| 16 it can consider. And there are real issues. If I | 16 So it's himself and his wife who, allegedly, |
| 17 compare the applicant's house with our house, and I | 17 are without -- you know, they don't have any other |
| 18 think it's a pretty near carbon copy, I have to say, I | 18 employ- -- he has part-time employment, nothing on the |
| 19 am shocked that they're even at 8 right now. | 19 weekday so basically he's saying I work only on the |
| 20 But they go to 12, my gosh, I mean, I know the | 20 weekend. This is essentially my main business. |
| 21 area where our kids play downstairs. I know when we had | 21 And he is now saying that he and his wife, who |
| 22 birthday parties in our house, and we certainly had | 22 have a teenage son who's at Pyle Elementary [sic] |
| 23 enough of those with three children growing up, when | 23 School and a young girl who is about to go to Bradley |
| 24 you have 12 kids in the house, this size that's <br> 25 insanity. You're going to have a -- a huge amount of | 24 Hills Elementary School, he said in spite of all that, 25 in spite of the fact this is going to be during the |
| 25 insanity. You're going to have a-- a huge amount of | 25 in spite of the fact this is going to be during the |
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| 1 noise. | 1 hours that my center's operating, my kids are going to |
| 2 Now, unfortunately, that kind of -- and | 2 be going off to school. |
| 3 there's a very tiny bathroom off of that area and the | 3 Obviously, his wife is going to have to drop |
| 4 backyards are very small. This is -- this -- this to | 4 his daughter -- he's going to have to drop his daughter |
| 5 me, even eight, I was kind of shocked to hear it was | 5 off at Bradley Hills and have to pick them up, bring |
| 6 eight but let me back up again to -- to the period | 6 them back, so they're going to be occupying -- they're |
| 7 after I learned about this. This was during the time of | 7 going to be occupied with their children. What are they |
| 8 COVID. | 8 thinking? |
| 9 My first reaction was, well, look, it's COVID, | 9 What -- unfortunately, I understand that for |
| 10 parents need daycare. So maybe there's three or four | 10 the hearing examiner this is not within your purview |
| 11 kids there. | 11 but again, I guess, you know, I'm thinking it through |
| 12 But then, you know, began to perceive as more | 12 the eyes of my children who now have childcare issues |
| 13 and more commotion, activity and now I understand | 13 and should only raise these kind of things. My -- my, |
| 14 really that the applicant was expanding to up to eight, | 14 it's really just something. |
| 15 which is really taking it up to a ver--- a pretty, | 15 But again, on the safety and the neighborhood |
| 16 pretty high level in terms of cars, dropping off, | 16 character issue and on the value issue. Again, we moved |
| 17 parking spaces. | 17 into this neighborhood with expectations, and they were |
| 18 Yes, it has an impact. It has impact on | 18 basically met for 43, 44 years. And now all of a |
| 19 traffic on the street because when people drop off and | 19 sudden, we have a neighbor who's saying, hey, I got an |
| 20 people come and go, that has an obvious impact. | 20 idea, let's take my childcare, which is already |
| 21 And beyond that, it has an impact on me and on | 21 bursting at the seams, and let's take up another 50 |
| 22 my wife and I think all of my neighbors. I didn't move | 22 percent to 12 . |
| 23 into this neighborhood with any expectation that | 23 So, I guess in listening to the real estate |
| 24 somebody was going to open a daycare center. And that's 25 not something that just goes back to the 1970s and | 24 analysis, I don't think it's incremental. I think it's 25 the whole over long notice that this can operate in |

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| 1 some way without changing and affecting value of | 1 conditional use and it's not about passing any |
| 2 houses, neighborhood -- neighborhood character and | 2 judgement on whether daycare is good or bad. So, you |
| 3 safety. | 3 know, I -- I appreciate that Mr. Spiegel spoke to that |
| 4 That's it. That's my 20 cents. Anybody -- I -- | 4 a bit, and I appreciate that you want to clarify some |
| 5 I guess this is your job to ask if anybody wants to | 5 things, Mr. Mehdi, but I just want people to be |
| 6 cross-examine me. So, I'm sorry | 6 cognizant about it as we proceed. |
| 7 MS. LEWINTERS: You're -- you're fine, sir. I | 7 MR. SPIEGEL: Well, ma'am, can I just -- just |
| 8 just -- sorry, I was slow getting off of mute button. | 8 really -- and I -- I -- I realize when I said that that |
| 9 Does anybody have any -- well, let me ask you | 9 I was going a bit afield and the only reason that I |
| 10 first, Mr. Mehdi, if you had any cross-examination f | 10 brought it up was because of the notice issue in this |
| 11 Mr . Spiegel. | 11 matter. I think that people who could have addressed |
| 12 CROSS EXAMINATION | 12 this issue, like me, lost their opportunity and now |
| 13 MR. AMINIZADE: I -- sure. I want to actually | 13 they're being forced into a box which can -- you know |
| 14 thank you to raise concern and actually I want to -- I | 14 which is you- -- your authority in this matter. So |
| 15 have one question. And this is actually the -- do you | 15 that's -- that's why I brought it up. That's the only |
| 16 know the -- the kids, the people when -- who go to the | 16 reason I brought it up. |
| 17 work and they need actually to put their kids to a | 17 MS. LEWINTERS: No, no, I appreciate that and |
| 18 daycare. | 18 I -- I don't want to spend too much time going off on |
| 19 Do you think in our neighborhood you shouldn't | 19 that tangent. But it is my understanding that, and from |
| 20 have the daycare while actually, the -- as you know, | 20 a process perspective, that the conditional use comes |
| 21 the Montgomery County has -- doesn't have enough space | 21 before the permitting. |
| 22 for daycare. Do you think this neighborhood, or this | 22 So, I -- I don't know that you've lost that |
| 23 street, actually should -- no one would actually take | 23 opportunity, but I don't want to go too far afield. And |
| 24 care of the kids? Or did I understand you correctly? | 24 I -- I appreciate there were some notice issues with |
| 25 MR. SPIEGEL: Well, let me rephrase your | 25 this particular case. |
| 198 | 200 |
| 1 question. If you don't agree with it, please stop me. I | 1 Anyway, all of that said, Mr. Mehdi, do you |
| 2 think you're asking me what my opinion is about daycare | 2 have more questions for Mr. Spiegel? |
| 3 in this neighborhood and I'll be happy to answer that. | 3 MR. AMINIZADE: No, I don't. But thank you. |
| 4 If you're asking me something else, please tell me. But | 4 MS. LEWINTERS: Does anybody else have any |
| 5 is -- is that the question you're asking me? | 5 cross-examination questions for Mr. Spiegel? Okay. |
| 6 Anyway, the answer to that question is, that I | 6 Given all of that, Mr. Spiegel, thank you very much and |
| 7 think daycare is important, it's necessary, and I think | 7 I appreciate your patience. Yes? |
| 8 it has to be consistent with the character of the | 8 MR. SPIEGEL: I'm excused. |
| 9 neighborhood that it's in. And the capacity of the | 9 MS. LEWINTERS: If you want to be excused. If |
| 10 houses that it's offered at. And that's just -- it's | 10 you want to hang around, you are certainly welcome, |
| 11 just a health and safety issue. | 11 however you want to handle that. |
| 12 Does that answer your question or is there | 12 MR. SPIEGEL: Thank you, thank you. |
| 13 something else you had in mind? And by the way, I don't | 13 MS. LEWINTERS: So I -- you know, honestly, |
| 14 think we've met but that's -- obviously, I don't think | 14 there's a lot of people and so if you could -- Mr. |
| 15 we've met yet. | 15 Spiegel, if you could take your hand down, I would |
| 16 MS. LEWINTERS: Well, I just want to -- I | 16 appreciate that. Thank you. |
| 17 don't want to get to far afield. I mean I do want to be | 17 And then if people want to put their hand up |
| 18 liberal in terms of letting people ask questions, but | 18 if they'd like to testify in opposition and I'll try |
| 19 to the extent that we can stick to the char- -- | 19 and go in order on my screen. |
| 20 character for the conditional use. This is not a | 20 MS. RELLAN: May I ask a quick question? I -- |
| 21 permitting application. There's a whole separate | 21 I don't have -- I'm not logged in by a team, so I can't |
| 22 process by which, you know, a different agency all | 22 put my hand up. |
| 23 together determines if the house and site is | 23 MS. LEWINTERS: Oh. |
| 24 appropriate for a daycare. | 24 MS. RELLAN: And sorry, I -- I apologize for |
| 25 This is really about the zoning and the | 25 the interruption. |


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| 1 MS. LEWINTERS: That's fine. | 1 two kids there. They just -- my daughter just finished |
| 2 MS. RELLAN: And I know that it's probably | 2 5th grade there and, you know, I won't reiterate what |
| 3 under a time crunch too. I do need to pick my kids up | 3 everyone has said. |
| 4 from camp within 30, 40 minutes, so I don't want to | 4 What I will add is, as of -- as a daycare |
| 5 take anyone else's time, but my hand is technically up | 5 owner in Virginia, I can tell you that children outside |
| 6 if you can oblige. | 6 in the playground adds a lot of noise. And we've been |
| 7 MS. LEWINTERS: Okay. And -- and who is this, | 7 in a commercial space. And speaking from a homeowner, I |
| 8 I'm sorry, number 79 is a | 8 find this quite alarming because if this was in my |
| 9 MS. RELLAN: Yeah. My name is Parue Rellan and | 9 backyard or my front yard or in the neighborhood, I |
| 10 I 'm in -- | 10 would be very upset with the County. |
| 11 MS. LEWINTERS: Great. | 11 When you purchase a house it's with certain |
| 12 MS. RELLAN: -- opposition. Yes. | 12 expectation of a residential environment, unless there |
| 13 MS. LEWINTERS: Okay. So, I see Parue and I | 13 are disclosures otherwise. And I -- I think it's unfair |
| 14 see Maggie Bree. Those are the two that I see. So, Ms. | 14 from an urban planning perspective to allow this |
| 15 Bree, if you're okay I'll let Parue go first, if that's | 15 because every neighbor, not just Ms. Murphy, have the |
| 16 okay. | $16-$ the right to their quiet time and peace throughout |
| 17 MS. BREE: Absolutely. | 17 the day. |
| 18 MS. LEWINTERS: Okay. | 18 I'm not saying that children have a decibel |
| 19 MS. BREE: Thank you so much. | 19 above 50 or 65 or whatever the [inaudible] ordinance, |
| 20 MS. LEWINTERS: Parue, can you spell your last | 20 you know, is -- loud ordinance is about, but it does |
| 21 name for me? | 21 change the dynamics of a residential area. |
| 22 MS. RELLAN: Rellan, that's R-e-1-1-a-n, n | 22 And I don't think that is quantifiable in the |
| 23 like Nancy. | 23 way that a traffic study would be or in the way that |
| 24 MS. LEWINTERS: Thank you. Can you put your | 24 others have shown. It's undoubted that there's many, |
| 25 hand up? I know we can't -- | 25 many kids in that area with the school and traffic is a |
| 202 | 204 |
| 1 MS. RELLAN: Yeah. | 1 problem, but from a qualitative perspective, it -- it |
| 2 MS. LEWINTERS: -- see you, but I'm going to | 2 changes the quality of your life. |
| 3 trust that you're doing that. | 3 And your home is where you should feel most |
| 4 MS. RELLAN: Right. | 4 comfortable. And I think it of- -- offers a lot of |
| 5 SWEARING OF WITNESS PARUE RELLAN | 5 anxiety and [inaudible] as a -- as a Montgomery County |
| 6 MS. LEWINTERS: Do you solemnly swear under | 6 resident. |
| 7 penalties of perjury that the statements you are about | 7 So I'm not just speaking as someone in the |
| 8 to make are the truth, the whole truth, and nothing but | 8 industry who's there -- for 20 years has been |
| 9 the truth? | 9 intimately in the daycare business. And I'm saying that |
| 10 MS. RELLAN: Yes. | 10 with that regard. And so I hope that that has some |
| 11 MS. LEWINTERS: And, Ms. Rellan, you haven't | 11 weight to it. But also, as a -- as a resident of a |
| 12 said anything, so this is not any kind of judgement, | 12 community that I would like to believe the County is |
| 13 but as we proceed through the rest of the opposition | 13 going to uphold my rights as well. |
| 14 testimony, I just ask people to be mindful. You know, | 14 And really, that's all that I wanted to say. |
| 15 we've heard a lot about certain things. We don't need | 15 And I -- I hope it does not fall upon deaf ears. |
| 16 to be cumulative. | 16 MS. LEWINTERS: Thank you. Mr. Mehdi, do you |
| 17 If you could focus on new things that you have | 17 have any cross-examination? |
| 18 to say, that would be great, or if you just want to say | 18 MR. AMINIZADE: No, I don't. |
| 19 I agree with these other concerns, we don't have to -- | 19 MS. LEWINTERS: Okay. Thank you. Does anybody |
| 20 you don't have to reiterate everything. | 20 else have any cross-examination for Ms. Rellan? Thank |
| 21 MS. RELLAN: Understood. | 21 you, Ms. Rellan. |
| 22 MS. LEWINTERS: Thank you. | 22 Ms. Bree, I see your hand up next. |
| 23 MS. RELLAN: I agree with all of the other | 23 MS. BREE: Hi everyone, good afternoon. My |
| 24 concerns. The only thing that I will add to this is | 24 name is Maggie Bree. I am the co-president of the |
| 25 that I think that -- and I'm a Bradley Hills parent, | 25 Huntington Terrace Citizen's Association. However, I'm |


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| actually here today to speak to all of you as a mother | 18801 Hempstead. |
| 2 of a preschool age child and a resident of Bradley | 2 The property's backyard actually connects to |
| Hills community for over 33 -- | 3 one of our geographic boundaries, which is Garfield |
| MS. LEWINTERS: Okay. And Ms. Bree -- Ms. Bree | 4 Street, which is where Ms. Murphy's house is located. |
| 5 -- Breme | 5 But, of course, we're also connected to the property |
| MS. BREE: What? | 6 because of its proximity to Bradley Hills. |
| MS. LEWINTERS: -- if I could stop you for a | I live on the corner of Grant Street and |
| second - | 8 Greentree. My house is actually parallel to 8801 |
| MS. BREE: Well, r'll continue -- | 9 Hempstead Avenue and Ms. Murphy's house. I'm just two |
| 10 MS. LEWINTERS: -- one, you're - | 10 blocks away and I'm similarly situated off of Greentree |
| 11 MS. BREE: Okay. My -- | 11 Road. |
| 12 MS. LEWINTERS: -- sorry. | 12 Monthly on my street I witness accidents. I've |
| 13 MS. BREE: -- I live on a corner | 13 actually witnessed in the past three years a number of |
| 14 MS. LEWINTERS: Wait -- | 14 bicyclists and pedestrians hit by cars on my corner. |
| 15 MS. BREE: -- Ilive on -- | 15 And I want it to be noted that my carner [sic] -- my |
| 16 MS. LEWINTERS: -- Ms. Bree. No, no. Ms. Bree. | 16 corner sees far less traffic than the block of |
| 17 Sorry. I need to swear you in. | 17 Hempstead Avenue that this childcare center is |
| 18 MS. BREE: Oh, sorry. | 18 currently on. |
| 19 MS. LEWINTERS: [inaudible] | 19 My son and I actually attend a play group at |
| 20 MS. BREE: We're all tired at this point. | 20 Bradley Hills Elementary School every morning. It's an |
| 21 SWEARING IN OF WITNESS MAGGIE BREE | 21 informal play group on one of the community |
| 22 MS. LEWINTERS: No, you're fine. You're fine. | 22 playgrounds. We either walk or drive down Greentree |
| 23 If you could raise your right hand. Do you solemnly | 23 Road and we take a left on Hempstead to get to Bradley |
| 24 swear under penalties of perjury that the statements | 24 Hills passing 8801 Hempstead every day. |
| 25 you're about to make are the truth, the whole truth and | 25 There is no sidewalk on the Bradley Hills side |
| 206 | 208 |
| nothing but the truth? | 1 of Greentree Road. So foot traffic on Greentree Roa |
| MS. BREE: I do. | 2 must use the pedestrian crosswalk to get to Hempstead |
| MS. LEWINTERS: And do you swear that about | 3 Avenue. This pedestrian crosswalk actually directs the |
| 4 the statements that you made before we started so you | 4 traffic across the street right in front of the 8801 |
| 5 don't have to repeat them? | 5 Hempstead property. |
| MS. BREE: Yes, absolutely, for the sake of | For months last winter, I was forced to move |
| 7 our time, yes. | 7 into the street with my son as I passed the unkept |
| MS. LEWINTERS: And Ms. Bree, I just want to - | 8 shrubbery on the side of the property. It blocked my |
| is Maggie a nickname or is that your full name? | 9 safe patch- -- passage at least two or three times a |
| 10 MS. BREE: It's my middle name. My first is | 10 week. I'm also fearful of taking my son's stroller on |
| 11 Moira. M-o-i-r-a. | 11 Hempstead Avenue. Often the driveway at 8801 Hempstead |
| 12 MS. LEWINTERS: Uh-huh. And then last name? | 12 is blocked by parked cars and I'm forced to move into |
| 13 MS. BREE: And my middle name is Maggie Mae, | 13 the street to go to the park with my son. |
| 14 but -- so I go by Maggie. Sorry. | 14 It is absolutely terrifying as a mother to |
| 15 MS. LEWINTERS: Okay, thank you. So Ms. Bree, | 15 weave in and out of parked cars on Em- -- Hempstead |
| 16 if you want to continue with your presentation, I'm | 16 Avenue with a young child in a stroller and whatever |
| 17 sorry. | 17 else we're carrying for the day and to simultaneously |
| 18 MS. BREE: Thank you. I apologize. | 18 be aware of the traffic moving in both directions. |
| 19 MS. LEWINTERS: Well, actually if you could | 19 I want everybody to understand that I feel |
| 20 repeat the name of the association that you are with as 21 well. | 20 that this zoning exception is not highlighting the |
| 22 MS. BREE: Yes. I'm co-president of the | 22 issues that already exist on the corner. And now we're |
| 23 Huntington Terrace Citizen's Association. So my | 23 talking about opening it up to more traffic, an |
| 24 neighborhood, Huntington Terrace, is physically | 24 immediate increase in noise, congestion and commuter |
| 25 connected to the in-home daycare at $8008-$-- excuse me, | 25 safety concerns. |


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| The Bradley Hills community is mourning the death of a student was -- who was struck by a school bus in 2019. We are not immune to these kind of tragedies. And it should not take more tragedies to highlight such a critical hazard. <br> I share my neighbor, Mr. Spiegel's sentiment about this neighborhood. I have not been here as long as him but I've got a good 38 years here. What makes this neighborhood a home for me is the strong and 10 unique community passion that all of my neighbors have to preserve the quality of our lives here. <br> Montgomery County also clearly states in their licensing for in-home daycares how important it is for 14 in-home daycare programs to have a safe place to drop 5 off and pick up children. Hempstead Avenue is not that 6 place. We have heard that numerous times today. <br> Bradley Hills' car riders dropping off kids at <br> 18 school must be dropped off on the loop at Folkstone <br> 19 Road, essentially guiding traffic right in front of <br> 20 this property. Bradley Hills' neighbors and parents <br> 21 have expressed concerns about student safety crossing <br> 22 Hempstead. <br> 23 And this is a direct quote from a newsletter <br> 24 sent out to Bradley Hills Elementary School students. <br> 25 "Near misses of hitting students who run out in the | ```late. Could we fit him in? MS. LEWINTERS: So, he's not there right now but he'll be there in about -- MS. BREE: He went out to walk the dogs, I apologize. MS. LEWINTERS: Well, let's -- I -- I would hope so. But let's just -- if he comes back in the next few minutes, we can [inaudible] -- MS. BREE: Okay. I will -- I'll raise my hand when he comes back -- MS. LEWINTERS: Okay. Thank you. MS. BREE: -- to let you know. I don't want to put things on hold. MS. LEWINTERS: Okay. MS. ROSENFELD: And -- and -- MS. LEWINTERS: If there's any other -- MS. ROSENFELD: -- Ms. LeWinters. MS. LEWINTERS: Yes. MS. ROSENFELD: Mr. -- Mr. Bentson is back. We can complete his -- MS. LEWINTERS: Oh. Thank you. I had already forgotten. MS. ROSENFELD: [inaudible] MS. LEWINTERS: My apologies. Mr. Bentson -- MS. ROSENFELD: And I will be brief. There's``` |
| middle of the street to meet parked vehicles, have been witnessed numerous times because of people parked on Hempstead Avenue." <br> If approved, this zoning exception will set a <br> dangerous precedence in our community. I believe it downplays the seriousness that existing traffic safety concerns. It will discount and eliminate the many efforts of my neighbors, my community partners and County officials to keep our neighborhood safe and to 0 keep our children out of harm's way. <br> Thank you so much everyone. <br> MS. LEWINTERS: Okay. Mr. Mehdi, do you have any cross-examination for Ms. Bree? <br> MR. AMINIZADE: No, I don't. I just want to apologize for her and her kids about actually that 6 sometimes blocked [inaudible] and I regardless of the result of this -- this actually hearing, we will make 8 sure to actually this kind of things won't happen in 9 the future. <br> MS. LEWINTERS: Are there any other cross- <br> examination questions for Ms. Bree? Is there anybody <br> 22 else who would like to testify in opposition? Anybody? <br> 23 Okay. Is there anybody who would like to -- <br> 24 <br> MS. BREE: I apologize, actually my husband <br> 25 would like to testify. He is running about five minutes | just -- <br> MS. LEWINTERS: Yeah -- <br> MR. BENTSON: I'm back. <br> MS. LEWINTERS: -- I -- I had -- <br> MR. BENTSON: Sorry about that. <br> CROSS EXAMINATION CONTINUED FOR MR. BENTSON <br> MS. LEWINTERS: -- actually. No, you're fine. <br> When you dropped off I had been in a middle of a <br> question and I don't know if you answered it and I <br> didn't hear the answer. I -- I just wanted a <br> clarification question. <br> My -- wait, you were saying that a disclosure <br> would have to be made on the sale of, for example, Ms. <br> Murphy's house that it backed to a daycare. And my <br> question was, would that disclosure be in any way <br> substantively different if the daycare was for eight <br> children versus a daycare for nine to 12 children? <br> MR. BENTSON: I'm not clear on that, but I <br> know in my mind it would have to be disclosed from the <br> get-go as far as backing to the daycare center itself. <br> Whether or not a -- I'm not sure what they call -- I <br> think there is a -- a different name for a daycare <br> center that has more children, 12 children instead of <br> eight. <br> MS. LEWINTERS: Okay. All right. |



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| usual route, which is to take a left on Greentree from | 1 it up if anybody had the desire to testify who's not in |
| Grant Street, go down Greentree Road and make a left on | 2 opposition, this would be your opportunity to do so |
| Hempstead Ave. | 3 now. So if you wanted to do that if you could raise |
| On this day, a car in front of me on Greentree | 4 your hand. Okay. I am not seeing any hands. Oh, Dan |
| ad, as I made my left, also made a turn on left -- | 5 Keen. Mr. Keen? |
| de a left turn on Hempstead Road -- on Avenue. And as | 6 Mr. KEEN: Yes, ma'am. |
| 7 I turned the corner on Hempstead, around 12:30 p.m. | 7 MS. LEWINTERS: Did you want to say something? |
| 8 approximately, I had to immediately stop because there | 8 MR. KEEN: I do. I just need a couple of |
| 9 was a bottleneck in front 8801 -- | 9 seconds, please. |
| MALE: [inaudible] -- | 10 MS. LEWINTERS: Sure, just tell me when you're |
| 11 MR. BREE: -- Hempstead. | 11 ready. |
| 12 MALE: -- sorry about that, a little snafu but | 12 MR. KEEN: Whenever you're ready. |
| 13 I guess it all turned out okay. There is hope. | 13 MS. LEWINTERS: Okay. If -- Mr. Keen do you |
| 14 MR. BREE: Is there someone else talking? | 14 have video or no? |
| MS. LEWINTERS: Somebody needs to turn off | 15 MR. KEEN: No. |
| 16 their -- to -- to mute themselves because we can hear | 16 MS. LEWINTERS: Okay. If you could raise your |
| 17 another -- all right. Hopefully that's gone away. | 17 right hand. |
| 18 MR. BREE: Okay. So -- | 18 MR. KEEN: Yep. |
| MS. LEWINTERS: Go ahead. | 19 SWEARING IN OF WITNESS DAN KEEN |
| MR. BREE: -- as I was saying, there was a | 20 MS. LEWINTERS: Do you solemnly swear under |
| 21 bottleneck in front of 8801 Hempstead. The car that was | 21 penalties of perjury that the statements you are about |
| front of me that had made the left turn before I | 22 to make are the truth, the whole truth and nothing but |
| d, had stopped right in front across the street from | 23 the tr |
| 01 Hempstead to talk to someone who had come out of | 24 MR. KEEN: I do. |
| 25 the house and approached the car. | 25 MS. LEWINTERS: Okay. You may proceed with |
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| There was already an SUV parked on the left- | 1 your statement, sir. |
| $d$ side in front of the property. And so now, there | 2 MR. KEEN: Thank you very much. I live down |
| as traffic on both sides, both going towards Greentree | 3 the street -- Ilive in Hempstead Avenue about six -- |
| Hempstead and coming from Greentree down Hempstead. | 4 six or seven houses from the house in que--- questions |
| So this basically rendered the street | 5 here, two houses down from Mr. Fried, a few houses down |
| passible. Cars were blocked from moving, as I said, | 6 from Mr. Spiegel. I've lived here for 24 years. I have |
| rth and south on Hempstead in the middle of the day | 7 been out of that block, I don't know how many thousands |
| the doldrums of summer while Bradley Hills is not | 8 of time. |
| en in session. This kind of scenario will only be | So, my point being, I'm very familiar with the |
| 10 exaggerated by an increase in daycare drop offs and | 10 street, with this neighborhood. I submitted a written |
| 11 pick-ups and when normal elementary school traffic | 11 statement that I stand by and I'm not going to repeat |
| 2 resumes. | 12 everything there. You can look forward it yourself if |
| 13 MS. LEWINTERS: Is there anything else, Mr. | 13 you haven't already. |
| Bree? | 14 Let me just say that many of the witnesses who |
| MR. BREE: That is all. That's | 15 have spoken today seem to think, or imply at least, |
| 16 MS. LEWINTERS: Thank you. | 16 that those of us who live in this neighborhood are |
| MR. BREE: -- I have for today. | 17 taking into our hands when we walk out the door. I do |
| 18 MS. LEWINTERS: Thank you. Mr. Mehdi, do you | 18 not, with all due respect, I cannot recognize the |
| 19 have any cross-examination for Mr. Bree? | 19 neighborhood they are describing, it's not the |
| MR. AMINIZADE: No. Thank you so much. | 20 neighborhood we live in. |
| MS. LEWINTERS: Okay. Does anybody else have | 21 In my view, much of what I heard today in |
| questions for Mr. Bree? Okay, thank you so much, | 22 terms of safety and traffic, again, I say this with all |
| r. Bree. | 23 due -- with all respect, due respect, it can only be |
| MR. BREE: All right. Thank you for your time. | 24 described has gross hyperbole. I don't believe it. I've |
| MS. LEWINTERS: Thank you. So again, I'll open | 25 lived here for 24 years, it's not the neighborhood that |


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| I recognize, and I hope you treat it as such. Thank you. <br> MS. LEWINTERS: Thank you, Mr. Keen. Ms. <br> Rosenfeld did you have any cross-examination for Mr. Keen? <br> MS. ROSENFELD: No. Thank you. <br> MS. LEWINTERS: Anybody else have any <br> questions for Mr. Keen? Is there anybody else you'd <br> like to make any kind of statement? Okay. Being none, 0 Mr . Mehdi, did you want to put in any kind of rebuttal case? <br> MR. AMINIZADE: Yes, actually. Just want to thank you for your patience all my from -- <br> MS. LEWINTERS: Okay -- <br> MR. AMINIZADE: -- and [inaudible] -- <br> MS. LEWINTERS: -- if you want, that is fine. <br> I am going to ask everybody's indulgence. I personally, <br> 8 need just a couple minute comfort break, so if we can <br> resume at $3: 10$, I would greatly appreciate it and then <br> we will resume with you Mr. Mehdi. Is that okay? <br> MR. AMINIZADE: Sure. <br> MS. LEWINTERS: Thank you very much. <br> [Recess taken.] <br> REBUTTAL BY MR. AMINIZADE <br> MR. AMINIZADE: More thing to add to this | Road. That part of the Hempstead Avenue is not [inaudible] and it's actually the -- he -- the -- the parents and kids are coming to the Bradley Hills Elementary School don't use that -- that actually street because it is out of the zone. So we can actually sit -- or actually, maybe, a parking at the -that part of the Hempstead Avenue. <br> And finally, actually, some of our neighbor supported us and they couldn't -- actually, I didn't 0 have enough time to come here today and I didn't honest 11 ask them to come here but they sent -- I saw this, when they sent letter to you. <br> Our neighbor 8719 , which is very close to us, even closer than actually Mrs. -- Mrs. Murphy, she has 15 sent you a letter. Another neighbor, 5800 Greentree, 16 they actually have sent you a letter and two other -- I 17 talked to another actually, neighbor, 5704 Greentree, 18 they didn't have any problem for -- to -- they didn't 9 have any opposition towards us. They are very close to 0 our house as well and it's between our house and the Greentree. And also, the neighbor, 5700, they didn't actually support the opposition. <br> So I want to make sure you know about the other people's, actually, point of view as well and <br> 25 notice to all of those letter, the support. And |
| meeting. First of all, actually, I -- as I said I <br> apologize from those neighbors who actually, the -they actually had discomfort from parking some -- from one of our parents in front of our house and blocked the site. <br> Actually, we had two parents and we realize these things. One of them is not here and another one is leaving in two weeks. The parent actually you saw in her face, they were actually picture. <br> Further that, actually, as I said I will make <br> sure actually to not park my car over there. Now we're actually on vacation but after that regardless of this meeting, it is [inaudible] I will make sure actually to have enough parking space for the parent comes to naturally drop off or pick up their kids and to -- it won't happen that [inaudible] again. <br> And actually, for the -- the our employee <br> parking, we actually to the board, to the Planning <br> Department, if I -- actually are saying the right name <br> of them for the Planning -- for the -- before -- for <br> the first actually assembly before that I [inaudible] <br> two potential actually parking [inaudible]. <br> One is actually, you see here in Folkstone <br> Road but there is another one actually [inaudible] <br> 25 because the [inaudible] between Greentree and Sonoma | actually, I want to thank to all the people who supported our -- of course all -- all the other people actually, you know, who were opposite -- opposition this -- to this, actually proposal. <br> I will have to say that because [inaudible] <br> something about the safety that they mention even though I and my wife actually talked to parents previously about blocking the sideway [sic] we actually be more careful about that and that's the result of 10 those oppositions actually received in this meeting. <br> And thank you so much. By the end of the 2 meeting I -- since Mr. [inaudible] mentioned and other 13 -- when Mr. Bree as well, I want to say regardless to 4 this meeting and I completely respect all of you point 5 of view and those meetings shows our responsibility to 6 our community and won't have any, actually impact to 17 relation between us and my dear neighbors. <br> You know, Mr. -- all of the parents actually <br> 19 and other neighbors we have a good relationship with <br> them, and I want to thank -- I want actually to thank <br> to all of them. Thank you so much. <br> MS. LEWINTERS: Is there any cross-examination of Mr. Mehdi's statement. <br> MS. ROSENFELD: No. Thank you. <br> MS. LEWINTERS: Okay. Then we can proceed to |


| 25 | 227 |
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| closing. Before we do that, I just want to look at the | 1 LATR is, doesn't know how to properly identify the peak |
| 2 exhibits. There are many exhibits. We have gone through | 2 hour. I'm -- I'm not going to berate the point, but the |
| 3 some of them. We haven't gone through all of them. Are | 3 fact is that key evidence is not in the record. |
| 4 there any objections to admission of any of the | $4 \quad$ And regardless of the analysis provided by |
| 5 exhibits that have been put forward? | 5 Park and Planning staff in their report, they didn't |
| MS. ROSENFELD: Not from me | 6 have credible data to rely on. They didn't realize it |
| MS. LEWINTERS: Mr. Mehdi, do you have any | 7 at the time, I believe, but there's no evidence to |
| objection to any of the exhibits? | 8 support a finding of adequate public facilities when it |
| MR. AMINIZADE: No. | 9 comes to transportation. And that applies to -- not |
| 10 MS. LEWINTERS: Okay. | 10 just to vehicles but to the pedestrians and the bikes |
| 11 MR. AMINIZADE: Just actually the support | 11 and full array of -- of transportation impacts that |
| 12 letters -- just support letters that, you know, | 12 need to be evaluated. |
| 13 supporting us and they didn't come to this meeting to | 13 The second is, one of the findings that you |
| 14 express their actually supporting idea. | 14 need to make is that the application will not cause an |
| 15 MS. LEWINTERS: So anybody who submitted a | 15 adverse impact with respect to economic value. And the |
| 16 letter of opposition or support that was signed, it is | 16 applicant did testify on that as a layperson, but we |
| 17 being added to the record. We did get a -- a -- a large | 17 have provided both a realtor who is not an appraiser |
| 18 volume and so Ms. Johnson was a bit overwhelmed, so she | 18 but did provide professional testimony with respect to |
| 19 did need to set a deadline in terms of actually putting | 19 the impact that this would have on a listing price and |
| m online, uploading them to be online. But she has | 20 we did provide an expert appraiser who testified that |
| 21 been collecting them all and they will all be availabl | 21 there would be a -- an adverse impact on value. So, all |
| 22 to me. | 22 right. From -- the applicant from a baseline |
| 23 I do probably think I have a direct copy of | 23 perspective did not prove his case. |
| 24 most of them anyway, but she has been collecting them | 24 I also would like to talk a moment about the |
| 25 and I will review any that are received within the | 25 delineation of the neighborhood. The delineation that |
| 226 | 228 |
| adline as long as they are signed. Okay? | 1 was provided was only provided by Park and Planning |
| So the exhibits will be deemed admitted. And | 2 staff and remarkably, and inexplicably it did not |
| s. -- let's see -- sorry. I just lost my place for a | 3 include the abutting properties to the rear of -- of |
| ond. Mr. Mehdi would you like a closing statement? | 4 the subject property. |
| MR. AMINIZADE: No. | 5 It didn't include Ms. Murphy's property or the |
| MS. LEWINTERS: Okay. Ms. Rosenfeld did you | 6 other two abutting properties on either side, although |
| want to make any kind of closing statement? | 7 it did extend far -- far beyond. We would submit that |
| MS. ROSENFELD: Yes, I would. Thank you. | 8 the red boundary delineation that we -- we provided is |
| MS. LEWINTERS: Can I just ask you again to -- | 9 the appropriate neighborhood and ask that you adopt |
| 10 MS. RELLAN: Certainly, certainly. | 10 that as -- as part of your findings. |
| MS. LEWINTERS: Okay. | 11 The findings that you need to make turn on |
| 12 CLOSING STATEMENT | 12 both inherent and non-inherent impacts of -- of this |
| 13 MS. ROSENFELD: I'll -- I'll sit forward. I'm | 13 application. The staff in the Planning Department staff |
| 14 sorry. I -- you're not the first one. | 14 report identified inherent characteristics as vehicular |
| 15 I -- I'd like to start by -- by reminding -- | 15 trips, outdoor play areas, noise and lighting. We don't |
| 16 reminding you of something that you -- you already know | 16 take issue with those as inherent characteristics of |
| 17 but that the burden of proof and the burden of | 17 the site. |
| 18 persuasion is on the applicant in this case. From the | 18 There are a number of material non-inherent |
| 19 outset, he failed to prove his case, notably on two key | 19 characteristics that simply were not identified, let |
| 20 points. | 20 alone addressed by -- by Planning staff. The first is |
| First of all, with respect to traffic, that | 21 that there needs to be a waiver of on-site parking in |
| 22 there needs to be a finding of adequate public | 22 order to approve this application. There is a zoning |
| lities and that includes a tra- -- a traffic | 23 requirement for on-site parking for employees. This has |
| 24 analysis. And that information must be prepared by a | 24 to be waived because of the lack of space on the |
| 25 traffic engineer. The applicant didn't know what the | 25 property. That -- that is a unique non-inherent |


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| :---: | :---: |
| 1 characteristic. | 1 use of the abutting properties. |
| 2 There is zero on-site parking for parent | 2 In particular, the confronting properties in |
| 3 parking. The only parking that we saw available was if | 3 particular and more generally the -- the properties |
| 4 -- currently, if parents pull up behind the applicant's | 4 that are more distant, including Mr. Kahn's property in |
| 5 car, which necessarily means that it extends beyond the | 5 that the offsite parking that's proposed is directly in |
| 6 sidewalk. And, again, to have no on-site parking for a | 6 front of his house which the waiver of on-site parking |
| 7 daycare of any kind of conditional use, in my | 7 would -- would nec- -- necessitate that those inherent |
| 8 experience, is exceedingly unusual and I -- I -- I | 8 and non-inherent adverse effects have an adverse effect |
| 9 would submit in my -- in my experience, unheard of. | 9 on the peaceful enjoyment of these properties, in |
| 10 The other non-inherent characteristics, of | 10 particular, the ones that are closest. |
| 11 course, go to the one-way exit from the parent drop- | 11 You heard from -- again, I'm -- I'm not -- I'm |
| 12 pick-up loop at the Bradley Hills Elementary School, | 12 not going to go through each of the -- each of the |
| 13 which diverts all exiting traffic from that drop-off | 13 witnesses. We do have expert testimony that combine |
| 14 location to -- to Hempstead down Folkstone into | 14 these impacts have adverse effect on economic value, in |
| 15 Hempstead. | 15 particular with respect to Ms. Murphy's property and |
| 16 And so, whether they go left or right, once | 16 the other immediately abutting properties as well. And |
| 17 they reach Hempstead, if -- if all of the traffic goes | 17 extends perhaps even to the more general neighborhood. |
| 18 that way and we did have testimony that it -- it varies | 18 And the -- the adverse impact on traffic and |
| 19 but I pretty -- you know, kind of a 50/50 split, which | 19 lack of parking and safety all again are -- result from |
| 20 directs that volume of traffic necessarily in front of | 20 a combination of the adverse inherent and non-inherent |
| 21 the daycare cent | 21 effects of this application. |
| 22 Another non-inherent impact is the commuter | 22 I will also mention that, while it's not |
| 23 bike trail. The on-street commuter bike trail that | 23 unusual to have one or two non-inherent |
| 24 bikers use to get to the capital crescent trail. And | 24 characteristics; there are many non-inherent |
| 25 the other non-inherent characteristic is the heavy | 25 characteristics, both with respect to how this property |
| 230 | 232 |
| 1 street traffic and the heavy parking load which is | 1 relates to Ms. Murphy's property to -- to the rear, Ms. |
| 2 necessitated by the property's proximity to both the | 2 Horseley's property to the front, Mr. Kahn's property |
| 3 elementary school and -- and -- and the park. | 3 with respect to the on-site waiver. |
| 4 The other non-inherent characteristic that I | 4 But, as well, the unique location of this |
| 5 would point out is specific to Ms. Murphy's property. | 5 property when in -- in conjunction with the -- the park |
| 6 And you heard testimony that her property is uphill | 6 and the school itself. They're narrow streets, |
| 7 from the subject property, and you also heard testimony | 7 considerable amount of traffic: Bus traffic, vehicular |
| 8 that one side of her property abuts the -- a large | 8 traffic, bike traffic, pedestrian traffic. |
| 9 solid brick wall from -- from the next door neighbor. | 9 And all combined, we think just it's -- it's |
| 10 And the -- the effect of both of those physical | 10 an overwhelming amount of evidence that would call for |
| 11 characteristics result in amplified sound that uniquely | 11 a -- a denial of this application and we would ask that |
| 12 impacts her property. | 12 you find -- find that way in this case. |
| 13 And I -- I -- I will mention that the Planning | 13 That concludes my closing. Thank you. |
| 14 Department didn't, in their report, recognize these | 14 MS. LEWINTERS: Thank you, Ms. Rosenfeld. So |
| 15 non-inherent impacts, let alone address them in | 15 that will conclude our hearing. The record will remain |
| 16 reaching their recommendation of approval. | 16 open for 10 days, that's for the transcript to be |
| 17 So you've heard extensive testimony, and I'm | 17 compiled. Otherwise, it -- it will be closed to other |
| 18 not going to walk you through it because you've sat | 18 submissions. After the record is closed, after the |
| 19 here all day and you'll have the benefit of a | 19 transcript is received, the decision should be issued |
| 20 transcript, but I will submit to you that the -- the | 20 within 30 days after that date. |
| 21 combined testimony of the witnesses today unequiv- -- | 21 And unless there's anything else, then we will |
| 22 unequivocally, and in many cases without even any | 22 conclude the hearing. Hearing none, I appreciate |
| 23 opposing evidence or testimony, show that the | 23 everybody's patience and time today. Thank you. |
| 24 combination of these inherent and non-inherent adverse | 24 MS. ROSENFELD: Thank you. |
| 25 effects do have an adverse effect with respect to the | 25 [End of proceedings, 3:29 P.M.] |

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