

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY

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: ABC LOVING CHILDCARE :
: PETITION OF CHANDRASEKARAN MANI : Case No. SE-13-01
: AND DHARMALATHA RAJAPAKSHA :
: :
-----X

A hearing in the above-entitled matter was held on
May 6, 2013, commencing at 9:50 a.m., at the Stella B.
Werner Council Office Building, 100 Maryland Avenue, Room
200, Rockville, Maryland 20850 before:

Tammy CitaraManis

Hearing Examiner

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A P P E A R A N C E S

On Behalf of the Petitioner:
 Damon Orobona, Esq.
 Miller, Miller & Canby
 200-B Monroe Street
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On Behalf of the Opposition:
 Norman G. Knopf, Esq.
 Benjamin D. Arem, Esq.
 Knopf & Brown
 401 East Jefferson Street, Suite 206
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Witnesses:	Direct
Teworkwha Tadesse	18
Phuong Mai-Do	27
Dereje Woreta	51

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E X H I B I T S

Exhibit No.	Marked/Received
62(a) Driveway Drawing with no Improvements	37
62(b) Drawing - Expanded Driveway (Southern Loop)	37
62(c) Drawing - Expanded Driveway (Northern Loop)	37

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P R O C E E D I N G S

1 MS. CITARAMANIS: All right. So, we have
 2 Petitioner, as well as Mr. Knopf and Mr. Arem, I'm -- Ms.
 3 Lee --
 4
 5 MS. CHO: Soo Lee Cho.
 6 MS. CITARAMANIS: Soo Lee Cho, and Mr. Damon --
 7 MR. OROBONA: Damon Orobona.
 8 MS. CITARAMANIS: And?
 9 MR. MANI: Chandrasekaran Mani.
 10 MS. CITARAMANIS: Okay. Welcome.
 11 MR. MANI: Petitioner.
 12 MS. CITARAMANIS: Welcome everybody. So,
 13 everybody's ready, we're going to open up the hearing. Call
 14 the case.
 15 This is a public hearing in the matter of -- I'm
 16 going to need a little assistance with your name. If I can
 17 just call you Mr. Mani.
 18 MR. MANI: Yes, that's okay.
 19 MS. CITARAMANIS: And is your wife's last name
 20 Rajapaksha?
 21 MR. MANI: Rajapaksha.
 22 MS. CITARAMANIS: Okay. I'll go with that. Thank
 23 you, a/k/a ABC Loving Childcare. Office of Zoning and
 24 Administrative case number 13-01. This is an application
 25 for a special exception to allow a child daycare facility

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1 for up to 30 children pursuant to 59-G-2.13.1 of the Zoning
 2 Ordinance at the address 15010 Layhill Road, Maryland 20906,
 3 on land zoned R-200. The property's legal description is
 4 Lot P 13, Block H, Gayfield Subdivision, Tax Account Number
 5 02633018.
 6 My name is Tammy CitaraManis, and I am the Hearing
 7 Examiner in this case, which means I will conduct this
 8 hearing, take the evidence, and I will be the one making the
 9 decision on your petition. What I'm going to have everybody
 10 do, even though I checked beforehand I want, if everybody
 11 could go and identify themselves, your full before the
 12 address, and, I mean for the record, your full name and
 13 address. If we want to start with the Petitioner and then
 14 the attorneys, we'll work our way over this way, and I'll
 15 get to the people in the audience.
 16 MR. MANI: Yes. I'm Chandrasekaran Mani. My
 17 address is 15010 Layhill Road, Silver Spring, Maryland
 18 20906. I am the Petitioner for this ABC Loving Childcare
 19 Center for 30 kids.
 20 MS. CITARAMANIS: Okay. And I see that your wife,
 21 is your wife here?
 22 MR. MANI: No, she is not here today. Sorry.
 23 MS. CITARAMANIS: Okay. Next?
 24 MR. OROBONA: Damon Orobona with the Law Firm of
 25 Miller, Miller & Canby, 200-B Monroe Street, Rockville.

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1 MS. CITARAMANIS: Okay.
2 MS. CHO: Soo Lee Cho, also with Miller, Miller &
3 Canby at 200-B Monroe Street on behalf of Petitioner.
4 MS. CITARAMANIS: Okay.
5 MR. KNOFF: Norman Knopf, firm of Knopf & Brown,
6 representing in Opposition, William and Faye Schilling at
7 15012 Layhill Road.
8 MR. AREM: Benjamin D. Arem, also with the Law
9 Firm of Knopf & Brown.
10 MS. CITARAMANIS: Okay. All right. And I notice
11 we have individuals in the audience. If I could ask you to
12 identify yourself, and we'll start with the lady on the far
13 left closest to the door. If you could just, I don't know
14 if the Court Reporter, can you hear them if she's standing
15 back there, or would you like them to step forward?
16 THE COURT REPORTER: It should be okay.
17 MS. CITARAMANIS: Okay. And if she raises her
18 hand that means she can't hear you, so if you could state
19 your name and your address, and whether you're here in
20 support of or in opposition, or if you're just here to enjoy
21 my company.
22 MS. TADESSE: Sure. My name is Teworkwha Tadesse,
23 I live at 15006 Layhill Road.
24 MS. CITARAMANIS: Okay. And let me -- okay, I
25 have you on the sign in sheet. Great.

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1 MS. TADESSE: And I'm here for, in opposition.
2 MS. CITARAMANIS: Okay.
3 MS. MAI-DO: My name is Phuong Mai-Do, 15002
4 Layhill Road, Silver Spring, Maryland 20906. I'm here for
5 the opposing side.
6 MS. CITARAMANIS: Okay. Thank you.
7 MS. FAYE SCHILLING: Faye Schilling, 15012 Layhill
8 Road, opposition.
9 MS. CITARAMANIS: Okay. Thank you.
10 MR. SCHILLING: William Schilling, 15012 Layhill
11 Road, opposition.
12 MS. CITARAMANIS: Okay. Thank you. And you must
13 be the lady from New Zealand.
14 MS. DEBRA SCHILLING: I am the lady from New
15 Zealand. My name is Debra Schilling, it's D-E-B-R-A, I am
16 at 33 Aspen Grove, Queenstown, New Zealand.
17 MS. CITARAMANIS: Well, welcome.
18 MS. DEBRA SCHILLING: Thank you.
19 MR. KNOFF: And we're not claiming that the noise
20 can be heard there.
21 MS. CITARAMANIS: Okay.
22 MS. DEBRA SCHILLING: Actually, I am claiming
23 exactly that.
24 MR. KNOFF: In New Zealand?
25 MS. CITARAMANIS: Okay. Well, you're not under

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1 oath yet.
2 MS. DEBRA SCHILLING: Well, I wanted to --
3 MS. CITARAMANIS: So, that's, let's wait, let's
4 get through the process. And Petitioner's wife will be here
5 on the fourteenth?
6 MR. MANI: Yes.
7 MS. CITARAMANIS: Okay.
8 MR. MANI: Yes, that's so.
9 MS. CITARAMANIS: Okay. All right. So, I don't
10 know how far everybody's been caught up, but the Petitioner
11 has requested that we postpone the hearing, there was
12 opposition, we had a conference call and basically the
13 agreement that was reached that we, I would postpone it
14 until May 14th, Tuesday, May 14th at 9:30, that would be the
15 date of the hearing, but because of the late notice anybody
16 who has come here today thinking that they have their
17 opportunity to testify, the parties have agreed that in fact
18 you can put your testimony on the record today if you would
19 like, or you can come back on the 14th. You get one
20 opportunity to testify, so you can't testify today and on
21 the 14th. So, it's, you need to make a choice. And what I
22 am going to do is after the 14th, because new information is
23 going to be coming in with regards to the modification to
24 the driveway, and you all are preparing for response to the
25 sight distance study, the record will be left open for at

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1 least 15 days after that hearing to allow those individuals
2 who want to submit a written statement in response to that
3 information that comes in during the hearing. So, with that
4 in mind --
5 MR. KNOFF: Yes. Madam Hearing Examiner, in light
6 of that we understand that the, among the new information
7 that may be coming to you is neighbors have reported to us
8 that they've observed a sight distance study being conducted
9 at the location, and we believe the Applicant is doing that,
10 and we would want to ask the Applicant, and have the Hearing
11 Examiner set a date so we would like to get that if they're
12 going to put in a traffic study, or a sight distance study
13 we would --
14 MS. CITARAMANIS: I agree.
15 MR. KNOFF: -- like that before the hearing so
16 that we then don't have to postpone the hearing while we do
17 that.
18 MS. CITARAMANIS: I agree. And I'm glad you
19 brought that up, because during our conversation on
20 Wednesday with regards to the modifications, you were
21 supposed to be submitting plans today to Technical Staff,
22 so, because Technical Staff said they only needed two days
23 to file a response. As soon as that response comes in we're
24 going to hold them to it, and hopefully have something by
25 Thursday, and that way that needs to be filed as well. And

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1 you should have that --
2 MR. KNOPF: But we're talking about right now the
3 sight study.
4 MS. CITARAMANIS: No, I know, but I was going to
5 ask you how much time are you talking about, because, you
6 know, we're accommodating the fact that we have Ms.
7 Schilling here from New Zealand, we don't want to move
8 the --
9 MR. KNOPF: No. My understanding is they did this
10 sight study last week, and if they have the study let's get
11 it in today.
12 MS. CITARAMANIS: Do you have the study?
13 MS. CHO: We do not have the sight distance study
14 prepared as of yet. We did have a traffic engineer go out
15 and take a look at that site, and take measurements.
16 MS. CITARAMANIS: Okay.
17 MS. CHO: The report is being prepared this week,
18 we expect to have it by no later than Friday --
19 MS. CITARAMANIS: Okay.
20 MS. CHO: -- if earlier. We will provide, we were
21 planning to provide it to Mr. Knopf, of course, as soon as
22 we have it.
23 MS. CITARAMANIS: Okay. Well, I'm going to need
24 you to get that to him earlier than that.
25 MS. CHO: Unfortunately, that's the time frame

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1 that we were given by the consultants.
2 MS. CITARAMANIS: Okay. Well, we talked on
3 Wednesday and one of the reasons that we even came to moving
4 it to the 14th was that, you know, to accommodate both
5 sides, but my impression from the tone of the conversation
6 was that this would be able to be done quickly with the
7 idea --
8 MS. CHO: I assure you we pressed upon the
9 consultant the urgency of the need to get the written study
10 in, we have, they have gone out to the site and taken the
11 measurements, that's the time estimate. I will go back and
12 press them further. If we can get it any earlier this week
13 we will.
14 MR. KNOPF: Madam Chair --
15 MS. CITARAMANIS: Okay. Well --
16 MR. KNOPF: -- our study was done, he went out,
17 did the measurements the same day, and gave us the report
18 the same day. All it is is a measurement.
19 MS. CITARAMANIS: I read the report and it didn't
20 seem too --
21 MR. KNOPF: Right. Friday is just too late for us
22 to get this. We would like it by --
23 MS. CITARAMANIS: Okay.
24 MR. KNOPF: -- no later than Wednesday.
25 MS. CITARAMANIS: Okay. Well --

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1 MR. KNOPF: And if not, then we're going --
2 MS. CITARAMANIS: -- I don't think that's an
3 unreasonable --
4 MR. KNOPF: -- to move to strike it. I mean,
5 that's -- we can't go into the hearing without having their
6 expert report.
7 MS. CHO: The expert will be here, as well, on the
8 hearing date.
9 MR. KNOPF: Well, we don't want to have that
10 surprise. I mean, the idea is you're supposed to put the
11 stuff in with your application --
12 MS. CITARAMANIS: Right. Right. So --
13 MR. KNOPF: -- way before this.
14 MS. CITARAMANIS: -- Wednesday? You'll get them
15 to expedite it and get a copy to them by Wednesday? I mean,
16 generally you're supposed to have the information in 10 days
17 beforehand so that everybody can prepare for this.
18 MS. CHO: We understand. We were able to get an
19 engineer at short notice, we are in the queue, I mean, we
20 are not their only client, that's the problem, it was --
21 MS. CITARAMANIS: No, I understand.
22 MS. CHO: Yes, so, I mean, this issue was
23 something that was not raised by Technical Staff, it hasn't
24 been an issue in this case, and it was first raised by Mr.
25 Knopf's submission. As soon as we saw it we called around

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1 to get the engineer, to get an engineer within -- I mean,
2 our client does have budget constraints as well, there were
3 certain, you know, hindrances to getting an engineer right
4 away, we did it as soon as we could. At the conference call
5 that we had last week we had an engineer already lined up,
6 they were going, they had already at that time gone out, the
7 time frame is given to us in terms of when they think they
8 can get the written analysis to us. And again, I will, I
9 represent to the Hearing Examiner today that we will do our
10 very best to press that as soon as possible, I just, without
11 having the consultants, without conferring with the
12 consultant immediately I hesitate to commit absolutely to
13 Wednesday. But, you know, I will convey that, and we will
14 do our best.
15 MS. CITARAMANIS: Okay. Well, then maybe we need
16 to take a break and you need to call them and impress upon
17 them that it is needed in this case before Friday --
18 MR. KNOPF: Yes, it will be.
19 MS. CITARAMANIS: -- for --
20 MR. KNOPF: I would like to point out that the
21 time consuming thing is getting an engineer to go out there,
22 he's been out there, and the, our response was due 10 days
23 in advance, theirs was supposed to be filed with the
24 application, and they also have the duty, which they know
25 from the beginning, to show that there's safe ingress and

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1 egress, so this shouldn't be a surprise.
2 MS. CITARAMANIS: I understand. I understand, and
3 I think that moving the hearing to the 14th is a reasonable
4 balance for both sides. But at the same time the
5 information, there needs to be sufficient time to at least
6 be able to respond to that, and I think submitting it by
7 Friday is not enough time when the hearing starts on
8 Tuesday. So whether you need to take a break to go make
9 that phone call, or we can do that at the end and we'll, the
10 citizens that do want to speak now, and we can --
11 MS. CHO: We can make that call --
12 MS. CITARAMANIS: -- handle that afterwards and
13 that way they can go on about their day. But I do need to
14 have that in earlier than --
15 MR. KNOFF: Thank you.
16 MS. CITARAMANIS: -- Friday. But the driveway
17 plans, have you submitted those, do you have those?
18 MS. CHO: We have them here, we can have the
19 additional copies made --
20 MS. CITARAMANIS: Okay.
21 MS. CHO: -- during the break and provided both to
22 Mr. Knopf --
23 MS. CITARAMANIS: Yes.
24 MS. CHO: -- and --
25 MS. CITARAMANIS: Okay.

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1 MS. CHO: They have not been submitted yet to Park
2 and Planning, they will be today.
3 MS. CITARAMANIS: Today? And I think you
4 mentioned you were going to do three?
5 MR. OROBONA: Yes.
6 MS. CHO: Yes. These --
7 MS. CITARAMANIS: And the whole idea for this was
8 that hopefully with Staff it'll come down to one and then
9 next week we only have to deal with one. But you want to at
10 least see the three in case --
11 MR. KNOFF: To get things going. Yes.
12 MS. CITARAMANIS: Well, in case you have any
13 comments on any of them to Technical Staff.
14 MS. CHO: Sure.
15 MS. CITARAMANIS: Okay. So, you will, we'll --
16 MS. CHO: Yes.
17 MS. CITARAMANIS: -- get Owen to make copies of
18 those, and we'll mark those. All right. With that
19 preliminary out of the way is there anything else that we
20 need to deal with primarily? And I will see, I mean, I can
21 explain to the citizens that are here as to why you're here,
22 or what -- I don't know if you've ever been here, but let me
23 just basically explain what this proceeding is even though
24 we're not going to go with a full hearing, and this is also
25 important to understand that normally individuals that come

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1 in for support or in opposition, they testify after the
2 presentations, and the idea is that then you're able to make
3 a statement based on what you've heard, the evidence that
4 you've heard, to support your position. You won't have the
5 benefit of that today because as you just heard there are
6 going to be some modifications, one is to the driveway based
7 on Technical Staff's report, and the Planning Board who also
8 made a recommendation, both make recommendations with
9 conditions, and those conditions are stated in the Technical
10 Staff report, as well as in the Planning Board. In
11 response, the Applicant is modifying their site plan to
12 coincide with what Technical Staff has recommended, as well
13 as the Planning Board. You won't have the benefit of that
14 information today, so your testimony is going to be based on
15 the information that's in here, understanding that there is
16 going to be additional new information that will be
17 presented next week at the actual hearing. This is just a
18 preliminary, so with that in mind it's important that you
19 decide whether you want to go ahead and give us your
20 statement, and based on my list of those individuals that
21 have submitted written letters I have one, Ms. Mai-Do, I
22 believe yours is Exhibit 37, you've submitted a letter in
23 opposition. And Ms., how do I say your last name?
24 MS. TADESSE: Tadesse. Or is it under Teworkwha?
25 MS. CITARAMANIS: I have under Teworkwha and

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1 Tadesse, that's, it's like when people ask me what -- how do
2 you say your last name? Can I call you Tammy? I have you
3 as Exhibit 36, so I do have your letters of opposition, so
4 with that explanation do you wish to proceed to make your
5 statement now and not come next week, or do you want to wait
6 until next week to make your statement understanding that
7 one, it will be under oath, I will swear you in, and both
8 sides have an opportunity to cross-examine you if they so
9 choose on what you're saying? But you're just telling me
10 why you think that this should not be approved because based
11 on you're saying it's in opposition. So, with that
12 clarification do you wish to make your testimony now, or do
13 you want to come back next week?
14 MS. TADESSE: I'll do it today.
15 MS. CITARAMANIS: Today?
16 MS. MAI-DO: Yeah, me too.
17 MS. CITARAMANIS: Okay. All right. Is everybody
18 okay with that? All right. So, then we are certainly,
19 we're not going to do openings or anything, I'm going to
20 have them come and sit between you guys, and swear them in,
21 and if you have any questions, I only need one lawyer asking
22 questions, so you all decide between you who you want to
23 ask. So, if Tadesse?
24 MS. TADESSE: Yes.
25 MS. CITARAMANIS: Okay. Would you like to step

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1 up?
2 MS. TADESSE: Sure.
3 MS. CITARAMANIS: Okay. You can have the seat
4 right there where the microphone is. And I'm assuming the
5 Schillings want to wait until next week?
6 MR. KNOFF: Absolutely.
7 MS. CITARAMANIS: Okay. Didn't want to assume, I
8 did assume, but now it's clarified. You can go ahead and
9 have a seat. Okay. I'm going to need you to raise your
10 right hand.
11 (Witness sworn.)
12 MS. CITARAMANIS: Okay. So, state your name and
13 your address, and then just give us your statement.
14 MS. TADESSE: Teworkwha Tadesse. I'm in 15006
15 Layhill Road, Silver Spring, Maryland 20906. I'm here in
16 opposition, and then reason I'm opposing this case is I'm
17 right behind the daycare.
18 MS. CITARAMANIS: I'm glad that you just said that
19 because while I have a zoning map, Exhibit No. 14A, I was
20 wondering if you can identify where you are on here for me?
21 And you can just put the address, the arrow, so that I have
22 an idea.
23 MS. TADESSE: Sure.
24 MS. CITARAMANIS: And if you can't figure it out
25 on that we can get the bigger map. Do you see where -- does

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1 somebody have highlight, you want to highlight where the,
2 where there --
3 MS. CHO: I'll just mark the exhibit with --
4 MS. TADESSE: I do have the highlight.
5 MS. CHO: -- cross-hatching. I watch --
6 MS. CITARAMANIS: For the where --
7 MS. CHO: For the subject site.
8 MS. CITARAMANIS: Thank you. Okay. So, from --
9 MS. TADESSE: And I think, right here, it's the
10 daycare.
11 MS. SCHILLING: Do you want to highlight?
12 MS. TADESSE: Yes.
13 MS. SCHILLING: This is the kitchen.
14 MS. TADESSE: Yes.
15 MS. CITARAMANIS: Okay. Ms. Schilling, thank you.
16 MS. TADESSE: I'm trying to figure out --
17 MS. CITARAMANIS: And if you can't, I can get the
18 bigger map.
19 MS. TADESSE: So, this is --
20 MS. SCHILLING: This is Layhill.
21 MS. TADESSE: Yeah. And this is the daycare.
22 MS. SCHILLING: No, this is the daycare here.
23 MS. TADESSE: So --
24 MS. SCHILLING: I cross-hatched.
25 MS. TADESSE: Okay.

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1 MR. KNOFF: May I explain the driveway to her so
2 she gets it?
3 MS. CITARAMANIS: Yes, you can.
4 MR. KNOFF: This I believe is the driveway, or the
5 side of the road right here.
6 MS. CITARAMANIS: Do you need a bigger map?
7 MS. TADESSE: Yes.
8 MS. CITARAMANIS: I was hoping this would work.
9 MR. KNOFF: Does that help you?
10 MS. TADESSE: Yes.
11 MS. SCHILLING: What is your address?
12 MS. TADESSE: 15006. We are right across there.
13 MR. AREM: Across Layhill.
14 MS. TADESSE: Just behind.
15 MS. SCHILLING: Across the street?
16 MR. KNOFF: Behind.
17 MS. TADESSE: Behind.
18 MR. AREM: There's a cul-de-sac that pulls up
19 behind the properties.
20 MS. CITARAMANIS: Okay.
21 MS. CHO: What is the street address that you
22 have?
23 MS. TADESSE: 15006.
24 MR. KNOFF: Layhill.
25 MR. AREM: It is Layhill. It's --

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1 MS. TADESSE: Layhill.
2 MR. AREM: -- north of Baughman.
3 MS. CITARAMANIS: You know what, hold on a second.
4 Let me -- this might be --
5 MR. KNOFF: Here's --
6 MS. TADESSE: Baughman is here.
7 MS. CITARAMANIS: This might be a little more
8 helpful.
9 MR. KNOFF: Yes, this, it's very confusing. You
10 have to go out there to see it.
11 MS. CITARAMANIS: She can mark that one if that's
12 better.
13 MR. AREM: Okay. Thanks.
14 MR. KNOFF: Here, just --
15 MS. CITARAMANIS: Why don't we -- we do have the
16 bigger one, the bigger map, so I tried. So, if you could
17 just mark which one is yours you can go ahead and hatch
18 where the -- let Ms. --
19 MR. AREM: This is the Applicant.
20 MS. CITARAMANIS: Yes.
21 MR. AREM: Thirteen.
22 MS. TADESSE: So, probably I will be the 17, I
23 think.
24 MS. CITARAMANIS: She's going to hatch it with
25 blue showing that that's the Applicant's site, and if you

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1 could just mark your house.
2 MR. KNOPF: And here is the --
3 MR. AREM: The driveway that pulls up behind is
4 not Baughman, it's north of.
5 MR. KNOPF: No, but I want to orient it at least
6 by the point, yeah.
7 MR. AREM: Yes.
8 MS. TADESSE: And these are the houses, right?
9 So, I'll, I believe this is, is our house.
10 MS. CHO: Is that Lot 17?
11 MR. AREM: She is pointing to Lot 17.
12 MS. TADESSE: I think so, I'm
13 just --
14 MS. CITARAMANIS: Okay. Well, and if it turns out
15 that it's not, that it's, you can describe also the
16 location. I was just hoping to get a visual of where --
17 MS. TADESSE: Yeah. This is the daycare,
18 probably, we are in the same, just right behind --
19 MS. CITARAMANIS: You go behind the Schillings and
20 then part of --
21 MS. TADESSE: No. I mean, from the back, from the
22 back of our deck I can see the daycare.
23 MR. MANI: Which is my place? I don't --
24 MS. TADESSE: This is yours.
25 MR. MANI: Okay. So, you are here, right? Right

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1 here are the houses.
2 MS. TADESSE: Seventeen. Yes.
3 MR. AREM: Right here are the houses.
4 MS. TADESSE: Yes.
5 MS. CITARAMANIS: You're Lot number 17?
6 MS. TADESSE: I believe.
7 MS. CITARAMANIS: Okay. Good.
8 MR. MANI: This is my daycare, ma'am, this is your
9 house?
10 MS. TADESSE: Yeah.
11 MS. CHO: Do you have a driveway on this?
12 MR. MANI: Fifteen, yes.
13 MS. TADESSE: Yes.
14 MR. MANI: She asked about this way?
15 MS. TADESSE: I am behind.
16 MR. MANI: This is driveway for two house --
17 MS. CHO: She appears to be Lot 15.
18 MR. MANI: -- two or three houses.
19 MR. KNOPF: No, 17.
20 MS. CHO: Seventeen.
21 MR. KNOPF: No, 15.
22 MR. MANI: Fifteen.
23 MS. CITARAMANIS: Okay. Let's go off the record
24 for a minute. We are I'm sure making the record a mess
25 right now. So, let's go off the record for a moment.

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1 (OFF THE RECORD)
2 (ON THE RECORD)
3 MS. CITARAMANIS: All right. So, you were
4 describing where your property is, so just go ahead with
5 your statement.
6 MS. TADESSE: Okay. So, I'm just behind my
7 daycare, my, daycare is right behind, I can see their house
8 and the playground.
9 MS. CITARAMANIS: Okay.
10 MS. TADESSE: So, just since we are situated in a
11 high hill --
12 MS. CITARAMANIS: You're on a higher, you're --
13 MS. TADESSE: Higher, yeah.
14 MS. CITARAMANIS: The grade is higher?
15 MS. TADESSE: It's higher, and I can see
16 everything, even if there's, there will be a tree or
17 something, you can see everything because I am in a high and
18 I can see the daycare down. So, and the reason I'm opposing
19 is because of the screaming of the, you know, children, more
20 children, even if there is four or five kids, if I'm sitting
21 behind the deck I can see. I cannot, even if I open the
22 window while I'm sitting in the house, my family room, I can
23 see the playground, and I can hear the screaming.
24 And the other reason I am opposing is we already
25 have a lot of traffic because of the ICC, and I cannot

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1 imagine, you know, what would happen if there is more car
2 coming.
3 MS. CITARAMANIS: Okay.
4 MS. TADESSE: So, because of those two reasons I'm
5 opposing.
6 MS. CITARAMANIS: Okay. So, noise, visual and
7 traffic impact. Okay. All right. Did you have, would you
8 like to ask any questions?
9 MS. CHO: No, I do not have any questions.
10 MS. CITARAMANIS: No questions. Mr. Knopf?
11 MR. KNOPF: You say you hear the noise in your
12 house, do you use the house strictly for only residential
13 purposes, or do you work out of your house?
14 MS. TADESSE: Right now, you know, I'm, I don't
15 work, so I'm in the house most of the time, so I can hear it
16 more --
17 MR. KNOPF: You hear more.
18 MS. TADESSE: -- because I stay in the house
19 mostly.
20 MR. KNOPF: You're mostly in the house during the
21 day.
22 MS. TADESSE: Mostly in the house. Yes.
23 MR. KNOPF: Yes.
24 MS. TADESSE: I do my own things.
25 MR. KNOPF: Okay. Thank you. I have no further

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1 questions.

2 MS. CITARAMANIS: Okay. Your lawyer can ask,

3 that's why you have two. I mean, you can, do you want to

4 ask her to ask a question? I mean, we can take a few minute

5 break, but the questions come from your lawyer.

6 MR. MANI: Okay.

7 (Discussion off the record.)

8 MS. CHO: We don't have any questions at this

9 time.

10 MS. CITARAMANIS: Okay. Okay. I don't have any

11 questions. All right. Thank you very much for coming out.

12 And just so you know, I will allow you to submit a written

13 follow up based on what information, new information that

14 comes in next week. Okay? So, we won't see you on the

15 14th, but I will leave the record open so you can submit

16 further written testimony based on the information.

17 MS. TADESSE: Okay.

18 MS. CITARAMANIS: And thank you for coming out.

19 MS. TADESSE: Thank you.

20 MS. CITARAMANIS: Appreciate that. Okay. Ms.

21 Mai-Do. Welcome. Raise your right hand.

22 (Witness sworn.)

23 MS. CITARAMANIS: Okay. And you just state your

24 name and your address, and if you could describe to me where

25 your house is located, and then tell me what your position

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1 is.

2 MS. MAI-DO: My name is Phuong Mai-Do, I'm at

3 15002 Layhill Road, Silver Spring, Maryland 20906. And I'm

4 here as in opposition.

5 MS. CITARAMANIS: Yes.

6 MS. MAI-DO: The reason I oppose because of

7 several problems have been going on, and I'm very concerned

8 what the expansion of the daycare up to 30 kids that will be

9 a big problem for our neighborhood. The first problem is

10 about the traffic, because in the mornings happened this

11 many times already I had to drop off my son at school in the

12 mornings, I have to make a left on Layhill Road from my

13 house, and several times just traffic cars lining up, and

14 first of all I thought that it was an accident or something,

15 but then I learned that there's only one car standing there

16 waiting for the other side of traffic clear to make a left

17 to the daycare. So, that hold up all the cars behind that

18 car. And I, sometimes I was late, you know, because of

19 that, I had to wait for long time to make a left, and it

20 happened to me many times already.

21 MS. CITARAMANIS: Can you tell me where your house

22 is in relationship to --

23 MS. MAI-DO: Our house is just behind the daycare.

24 MS. CITARAMANIS: Well, that might be a little

25 helpful, but not very clear.

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1 MR. KNOFF: This is the property.

2 MS. MAI-DO: The property here.

3 MR. KNOFF: This is the daycare over here, this is

4 Layhill.

5 MS. MAI-DO: Okay. Which one, of the back and

6 front of the daycare?

7 MR. KNOFF: This is the front on Layhill.

8 MS. MAI-DO: This is the front.

9 MR. KNOFF: And this is where the previous witness

10 said she was on 17.

11 MS. MAI-DO: Okay. I believe I'm, I'm 19 or 18.

12 I'm not quite sure. But across Minnie's house, so I'm

13 somewhere in here.

14 MS. CITARAMANIS: How do you gain access --

15 MR. KNOFF: That's maybe 16.

16 MS. CITARAMANIS: -- to your house, your driveway?

17 Do you get on your driveway from -- well, no, if your

18 address is Layhill.

19 MR. AREM: Right. Then there's the --

20 MS. MAI-DO: We enter through the common driveways

21 that, you know, like Minnie's house, my house, and other

22 house.

23 MS. CITARAMANIS: Okay. I don't know Minnie.

24 UNIDENTIFIED SPEAKER: That's me. I'm Minnie

25 MS. MAI-DO: I'm sorry.

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1 MS. CITARAMANIS: Okay. See? Okay. So, there's

2 a common driveway, and where is that common driveway, is

3 that --

4 MS. MAI-DO: Right up Layhill Road.

5 MS. CITARAMANIS: -- is that to the left of the

6 dental, there's a common driveway to the left of the dental?

7 MR. AREM: Just south of the dentist, north of

8 Baughman.

9 MS. MAI-DO: The dentist --

10 MS. CITARAMANIS: Okay.

11 MS. MAI-DO: -- go through the same driveway.

12 MS. CITARAMANIS: It's just not showing on here.

13 These are just --

14 MR. AREM: Right.

15 MS. CITARAMANIS: -- showing the lots. So, it's

16 just a driveway that goes -- so you think you might be 16?

17 MS. MAI-DO: I don't, I think I might be 19 or 18.

18 MS. CITARAMANIS: Because I don't know how you,

19 how are you going to get to 19? Well, this is what I'm

20 going to do, I'm going to let you all clear this up next

21 week, and maybe even create your own thing to show where

22 these individuals are located, or do the SDAT records so

23 that we all know where everybody is.

24 MR. KNOFF: There is, as you've probably figured

25 out, there are a number of houses that have Layhill

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1 addresses that connect to Layhill via a common driveway that
2 goes, connects to Layhill and goes back behind the daycare,
3 and that's where they live, and it is very confusing, even
4 if you're driving there it is confusing because I drive it.
5 MS. CITARAMANIS: Well, looking at it from here
6 it's like how would 19 get, if 19 --
7 MR. KNOFF: It doesn't show the driveway --
8 MS. CITARAMANIS: -- is a Layhill -- right.
9 MR. KNOFF: -- because it's not a road.
10 MS. CITARAMANIS: Okay.
11 MR. AREM: It's an unmarked driveway going to a
12 cul-de-sac behind the property.
13 MS. CITARAMANIS: Okay. All right. So, we'll
14 figure out where you live.
15 MS. MAI-DO: Okay. I can provide that
16 information.
17 MS. CITARAMANIS: Absolutely. If you want to
18 provide that you can do that because I am going to leave the
19 record open, so --
20 MS. MAI-DO: Okay.
21 MS. CITARAMANIS: -- I did not mean to interrupt
22 you, I just, I do --
23 MS. MAI-DO: No, no problem.
24 MS. CITARAMANIS: -- like visuals.
25 MS. MAI-DO: Okay. But with the ICC now, so

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1 there's a lot more traffic and now, you know, with, you
2 know, more cars stopping by like that it's just, you know,
3 problematic. Every day I go to work and go to school, so
4 that about the traffic. And also, that, Layhill Road is a
5 very dangerous road, it's just two lanes to road, it's
6 narrow, and hilly. And I know there's a big accident right
7 there about a few years ago, you know, just in front of the
8 daycare and the dentist house, the dentist house is just
9 next to the daycare, and, you know, before it was an own
10 daycare there, and luckily no one got hurt because this car,
11 the two cars bumped each other and just slammed over to the
12 grass area where the kids are waiting for the school bus.
13 And it's also the car hit the red brick gate in front of the
14 dentist house and the damage still remains now, until now.
15 MS. CITARAMANIS: Okay. All right.
16 MS. MAI-DO: And the other thing is the noise
17 level, I work from home two days a week, and every time the
18 kids are outside in the backyard I can hear them yell,
19 scream, very noisy. And several times I have to do
20 teleconference, I, I'm watching a meeting and I have my
21 speakerphone on, the other people from the other, you know,
22 on the phone with me can hear it because ask me what's going
23 on, I say well, the kids are playing outside, and I can't
24 concentrate, I have to do my job, you know. I work for the
25 Government, I have to on the teleconference many times, and

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1 I have to concentrate to do a lot of, you know, work when
2 I'm home, and that affects me, affects my job.
3 MS. CITARAMANIS: So, you can hear them with the
4 doors and windows closed?
5 MS. MAI-DO: Even with the windows closed,
6 because, you know, five, six kids, I can hear them already,
7 but when they're all outside it's very noisy. And it
8 happened to me when I'm outside, I went outside at my
9 garden, I worked on my garden, I can hear them very, very
10 well.
11 MS. CITARAMANIS: Okay.
12 MS. MAI-DO: Screaming and yelling and crying.
13 And the other problem is, you know, when they have the
14 daycare with more, you know, now 30 kids, so we used to have
15 a very, you know, quiet neighborhood, and safe neighborhood.
16 Now, you know, it brings more strangers to the area, you
17 know.
18 MS. CITARAMANIS: The daycare brings more
19 strangers to the --
20 MS. MAI-DO: Well, you know, because of when they
21 drop off their kids, and they come everywhere, you know, so
22 we don't feel, you know, safe.
23 MS. CITARAMANIS: Okay. Okay. Anything else?
24 MS. MAI-DO: So, I, what I think --
25 MS. CITARAMANIS: It's okay.

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1 MS. MAI-DO: I think that is --
2 MS. CITARAMANIS: Take your time.
3 MS. MAI-DO: -- pretty much, I have. Yes, that's
4 all I have.
5 MS. CITARAMANIS: Okay. Well, let's see if they
6 have any questions for you. Do you have any questions?
7 MS. CHO: We do not.
8 MS. CITARAMANIS: No questions. Okay.
9 MR. KNOFF: I'd just like to make sure it's clear
10 to everyone, because I know when you live in a neighborhood
11 it's very clear, you can picture it in your mind but we're
12 not there, you say you make a left hand turn onto Layhill
13 from your residence.
14 MS. MAI-DO: Yeah.
15 MR. KNOFF: And is that left, where you make the
16 left hand turn onto Layhill, is that near the ICC
17 interchange? Is that close by?
18 MS. MAI-DO: It's just a quarter of a mile, I
19 think --
20 MR. KNOFF: Okay.
21 MS. MAI-DO: -- a quarter of a mile.
22 MR. KNOFF: Well, that's all right.
23 MS. MAI-DO: Yeah.
24 MR. KNOFF: And so, there's a lot, you're saying
25 there's a lot of traffic coming from the ICC going down

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1 Layhill?
2 MS. CITARAMANIS: I don't think that's what I
3 heard.
4 MS. MAI-DO: Yeah.
5 MR. KNOFF: Well, that's what I'm trying to --
6 MS. MAI-DO: Well, I'm trying to say that the 200,
7 the road 200, the ICC right there, you know, about a quarter
8 of a mile from our house, so more traffic, you know, comes
9 to ICC, and now, you know, with cars that, you know, try to
10 make a left to the daycare that's creating more a line.
11 MS. CITARAMANIS: Right. That's what I heard was
12 that --
13 MS. MAI-DO: That's right.
14 MS. CITARAMANIS: -- when you try to turn left
15 onto Layhill that was slowed down because two doors up they
16 were turning left into, to go into the daycare.
17 MS. MAI-DO: That's right.
18 MR. KNOFF: Right.
19 MS. CITARAMANIS: That's what I heard.
20 MS. MAI-DO: That's right.
21 MR. KNOFF: And I was just trying to ascertain was
22 it, are you now saying that a lot of those cars that are
23 backed up are ones coming from the ICC?
24 MS. MAI-DO: That's right. Or sometimes I drop
25 off my son, that opposite road coming back home, and then a

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1 car want to make a right to the daycare driveway, then I
2 have to wait as well, you know, sometimes I wait right
3 behind a car, sometimes I wait all the way down because many
4 cars in front of me.
5 MS. CITARAMANIS: Do you have to wait for anybody,
6 residents along that way that are just turning left to go
7 home?
8 MS. MAI-DO: Yes. Sometimes, yeah.
9 MS. CITARAMANIS: Okay.
10 MS. MAI-DO: But we live there, you know, and --
11 MS. CITARAMANIS: Okay.
12 MS. MAI-DO: -- we're supposed to wait because we
13 have to go home.
14 MS. CITARAMANIS: Okay. All right.
15 MR. KNOFF: No further questions.
16 MS. CITARAMANIS: Any follow up?
17 MS. CHO: (No audible response.)
18 MS. CITARAMANIS: Okay. Thank you very much for
19 coming out. And --
20 MS. MAI-DO: Thank you.
21 MS. CITARAMANIS: -- again, if you want to follow
22 up with anything written, because we're not going to see you
23 on the 14th, correct? Because you're doing your testimony
24 now, but you're more than welcome to, while the record is
25 open, I cannot take anything after the record closes, I will

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1 set a date certain at the next hearing. Like today I'm not
2 going to close the record, I'm going to leave it open so we
3 can have the hearing, so you just need to check and make
4 sure you know when that date is if you're interested in any
5 follow up, written statement, which will be, we can make
6 part of the record.
7 MS. MAI-DO: Okay.
8 MS. CITARAMANIS: All right. Thank you, again.
9 MS. MAI-DO: Thank you.
10 MR. KNOFF: Thank you.
11 MS. CITARAMANIS: Okay. We don't have anybody
12 else. And I understand, were you successful in getting hold
13 of other neighbors, is that why --
14 MR. KNOFF: Yes.
15 MS. CITARAMANIS: Excellent. I was --
16 MR. KNOFF: It turned out, what was it, the ones
17 that weren't going to be available are leaving at night so
18 they're there, they come in the morning.
19 MR. AREM: They won't be here so they'll be coming
20 in the morning of the 14th.
21 MS. CITARAMANIS: Okay. That's great. And --
22 MR. KNOFF: It's my understanding we're going to
23 take a break and then get a report on the --
24 MS. CITARAMANIS: Yes, that's, that is correct.
25 You got copies? Great.

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1 MS. CHO: We have copies of the --
2 MS. CITARAMANIS: Did Ellen mark them?
3 MR. OROBONA: No.
4 MS. CITARAMANIS: Okay. You need to, we need to,
5 they need to be marked.
6 MS. CHO: We'd suggest we mark them the next
7 exhibit is 61.
8 MS. CITARAMANIS: Actually, your next exhibit,
9 right now it's already been marked as 61, which is the
10 affidavit of posting that Mr. Mani already signed. He needs
11 to, his wife will sign one next week, so this would be 62,
12 and since you have three we'll do 62(a), (b), and (c), that
13 way they all stay in the same --
14 MS. CHO: Okay.
15 MS. CITARAMANIS: Is that correct? Is that what
16 you have?
17 MS. CHO: Yes. We have three different
18 variations, I just want to make sure that we coordinate
19 three different variations with (a), (b), (c). Can we --
20 I'm going to do this one as (a), this one as (b), and this
21 one at (c).
22 (Exhibit Nos. 62(a), 62(b),
23 and 62(c) were marked for
24 identification.)
25 MS. CITARAMANIS: And you can describe them, just

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1 so that --
2 MS. CHO: Exhibit 62(a) shows a driveway
3 scenario --
4 MR. OROBONA: 62(a) has, and Mr. Mani, correct me
5 if I'm speaking incorrectly, there's no improvements shown
6 to the existing driveway, but Exhibit (a) has the increased
7 landscaping that was requested by Park and Planning Staff,
8 and the removal of the parking pad.
9 MR. MANI: That was this in here?
10 MR. OROBONA: But this is existing pavement,
11 correct?
12 MR. MANI: Yes, existing pavement.
13 MR. OROBONA: Okay.
14 MR. MANI: Is existing, okay.
15 MS. CITARAMANIS: Okay. What are they dated?
16 MS. CHO: They're all dated the same, that's my
17 problem.
18 MS. CITARAMANIS: That's okay. That's good enough
19 because --
20 MR. OROBONA: Okay. So, Exhibit (b), 62(b) --
21 MS. CITARAMANIS: Yes.
22 MR. OROBONA: -- has expanded driveway on the
23 southern portion of the loop. And 62(c) has expanded
24 driveway on the northern portion of the driveway loop.
25 MS. CITARAMANIS: Okay. So, let me make sure this

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1 is what I have, 62(a) is no improvement, increased
2 landscaping, I can't read my own writing, removed. You
3 marked them, good. Exhibit 62(b) is expanded driveway on
4 the south loop; and 62(c) is expanded driveway on the north
5 side. Okay. And the reason that we're doing this so that
6 when Staff reviews them all hopefully we'll get one back and
7 it'll be I approve, I recommend approval, unless, of course,
8 she comes back and says I'm going to modify all three and
9 they think it should --
10 MR. OROBONA: Yes.
11 MS. CITARAMANIS: -- then we'll handle that when
12 we come to it, but hopefully it will be that simple. Did
13 you --
14 MR. KNOFF: Okay. We have the -- and we hopefully
15 will get Technical Staff's report by Wednesday.
16 MS. CITARAMANIS: Well, Technical Staff in
17 communication with Ms. Robeson, I was in the room, she
18 indicated that two days. So, that's why we represented that
19 have them in today and have something by Wednesday, probably
20 no later than Thursday --
21 MR. KNOFF: Thursday.
22 MS. CITARAMANIS: -- but --
23 MR. KNOFF: Presumably, yes.
24 MS. CITARAMANIS: -- we'll send an e-mail asking
25 her, letting her know that.

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1 MR. KNOFF: Okay.
2 MS. CITARAMANIS: And we'll take a few minutes
3 break so you can call the engineer, and --
4 MS. CHO: We'll do that.
5 MS. CITARAMANIS: That would be great. All right.
6 All right. So, we'll go off the record for a few minutes.
7 And just so you know, everything is, it's --
8 (OFF THE RECORD)
9 (ON THE RECORD)
10 MS. CITARAMANIS: Okay. We're back on the record.
11 I did have these stamped in, and they are --
12 MR. KNOFF: Officially.
13 MS. CITARAMANIS: I've got to keep things in
14 order, otherwise it's chaos, right? So, they are marked for
15 the record. Follow up with getting your expert's report?
16 MS. CHO: Unfortunately, I've not been able to get
17 hold of her, left messages everywhere I could, e-mailed as
18 well. I have also left a message with another engineer that
19 we had spoken to but not engaged specifically on the written
20 aspect of it to see if as a fall-back plan that we could
21 switch gears and get a report by Wednesday from that
22 individual. So --
23 MS. CITARAMANIS: Okay.
24 MS. CHO: -- I've done what I could this morning.
25 We'd be happy to report back to the Hearing Examiner later

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1 today if, and --
2 MS. CITARAMANIS: Okay. Well, okay. I mean, the
3 bottom line is, is that Friday's not acceptable. I believe,
4 I mean, you are the ones that wanted the time to be able to
5 respond to that, and so, and you've had the study done, now
6 it's just getting the written, and this isn't a full blown
7 traffic study. So, I mean, I understand expert deadlines
8 and stuff like that, but at the same time we have, this is
9 the most important, so if that is information that you want
10 in the record in response to that they will need time to
11 respond, or at least be prepared for it on Tuesday. So --
12 MS. CHO: I understand. If I could, we understand
13 in terms of a written submission the need to provide to
14 opposition counsel in advance, that's fair and reasonable.
15 If we don't have the written, certainly the information in
16 that report can be presented by the expert at the hearing, I
17 mean, that's my only alternative.
18 MS. CITARAMANIS: Well, then --
19 MS. CHO: I don't have to provide a written --
20 MS. CITARAMANIS: -- this conversation is actually
21 wouldn't make any sense because --
22 MS. CHO: Right. I would be foreclosed from
23 submitting a written response --
24 MS. CITARAMANIS: Okay.
25 MS. CHO: -- but I can certainly bring in an

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1 expert to respond to the information that has been --
2 MS. CITARAMANIS: Well, I'd assumed you were
3 bringing in an expert --
4 MS. CHO: Sure.
5 MS. CITARAMANIS: -- but, and you need to submit
6 that information with the written report, as well as the
7 resume beforehand. I mean --
8 MS. CHO: Sure. Yes.
9 MS. CITARAMANIS: -- that stuff has to be --
10 MS. CHO: And we will have that to you today in
11 terms of the names of the expert, their resumes. What I'm
12 saying is I guess we're limited, if we want a written
13 submission, the direction of the Hearing Examiner is to have
14 it in by Wednesday.
15 MS. CITARAMANIS: Yes.
16 MS. CHO: If we cannot provide the written by
17 Wednesday we will be foreclosed from having any written
18 summation submitted, but nonetheless present the expert
19 testimony in response to the written report that was
20 submitted by opposition.
21 MS. CITARAMANIS: Well, then that doesn't provide
22 them with any opportunity to prepare. I mean, you have
23 their report for their site study, their site distance study
24 so you can prepare, your expert can prepare for that, theirs
25 cannot because they don't have what your expert is going to

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1 say.
2 MS. CHO: We will describe in our submission to
3 you today what our expert plans to say, that -- I just don't
4 have the, I don't know that I have, we'll have the written
5 aspect of the study.
6 MS. CITARAMANIS: Let me hear from the other side
7 to see what their response is to that, and what remedy they
8 would like.
9 MR. KNOFF: Okay. First of all, I'd like to note
10 that our understanding their study, the site visit and the
11 study was done last Wednesday, this past Wednesday morning,
12 so we're not talking about something done today, they've
13 already had a number of days --
14 MS. CITARAMANIS: So, it's in process is what
15 you're saying.
16 MR. KNOFF: But a number of days has gone by, I
17 mean, more than adequate time. I assume they will be
18 putting in the study or otherwise they wouldn't bother, that
19 differs from our study, and it's not going to do us any good
20 if they come in and say we have a different distance. We
21 need to know how it was done so, you know, how they arrived
22 at that distance, how the measurements were done. So, we
23 need to have that information, otherwise we're totally at a
24 loss. And I will move that it's worse than letting them
25 come in orally and say it, and we don't have anything in

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1 writing, we would move to preclude that testimony unless we
2 have by Wednesday a written report explaining what they're,
3 not only the distances but how they arrived at, what their
4 methodology was, or how they arrived at their conclusions.
5 I think that's very fair, and I don't believe we're rushing
6 them at all. This is very, it does not take that long time.
7 MS. CHO: If I might, even the study that was
8 submitted by the opposition counsel doesn't go into, in
9 depth in terms of methodology, it's a standard methodology.
10 So, to the extent that we will state in our pre-hearing
11 statement submitted to you today, we can have that before
12 Wednesday, exactly how it was done, what was done, I just
13 won't have it as a written, as an expert report. I can
14 describe, clearly it was done last week, so we can speak to
15 the expert, if for some reason they can't get me a written
16 on their stationary, official report by Wednesday, and this
17 is all hypothetical. I'm still going to try to get that by
18 Wednesday, of course, but we can certainly describe that in
19 as much detail as I believe is evidenced in Mr. Knopf's
20 submission, and provide that information if that's what he
21 seeks.
22 MS. CITARAMANIS: Okay. Well, I am certainly
23 describing it in your pre-hearing statement is what you need
24 to do anyway, but it also says you need to submit the
25 reports, and so the report needs to be submitted by

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1 Wednesday so that they can prepare. So, you --
2 MS. CHO: If I might clarify? It says that we
3 need to submit a report if we intend to introduce a report.
4 It doesn't --
5 MS. CITARAMANIS: Do you intend to introduce a
6 report?
7 MS. CHO: If I can't get it done by the time frame
8 that the Hearing Examiner wants it I can't introduce it, I
9 won't introduce it. But I'm not foreclosed from introducing
10 my expert testimony at the hearing. The written report is
11 separate and apart from expert response testimony to Mr.
12 Knopf's submission.
13 MS. CITARAMANIS: Okay.
14 MR. KNOFF: I would say that the expert has to
15 have something in writing in order to know the distances,
16 and therefore we're entitled --
17 MS. CITARAMANIS: Okay.
18 MR. KNOFF: -- to that report.
19 MS. CITARAMANIS: Well --
20 MR. KNOFF: And should have been put in here.
21 MS. CHO: We agree that if a written document is
22 intended to be introduced at the hearing that that must be
23 submitted well in advance. To the extent that we can't get
24 it within that time frame, I concede we can't have a written
25 document, but that does not foreclose my ability to

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1 introduce expert testimony that I have indicated in advance
2 will testify in rebuttal to the written testimony that, or
3 the written document that was submitted by Mr. Knopf. The
4 rule does not foreclose my ability to present expert
5 testimony.
6 MS. CITARAMANIS: Okay. So --
7 MR. KNOPF: One is I disagree, and two is we
8 reserve the right to strike that testimony --
9 MS. CITARAMANIS: Okay.
10 MR. KNOPF: -- or to have to have another hearing
11 date where we, after we hear what he says we then consult
12 with our witnesses. So, this seems to me to be very,
13 very --
14 MS. CITARAMANIS: Okay.
15 MR. KNOPF: -- silly, just throwing out a process
16 and making it more expensive for everyone.
17 MS. CITARAMANIS: Well, I'm hearing both sides,
18 and the, you all did bring in the sight distance plan, so
19 they are responding, and technically it is a rebuttal to
20 what you would put in under your side of the case.
21 MR. KNOPF: Well, I would point out they have the
22 burden of showing safe --
23 MS. CITARAMANIS: I agree.
24 MR. KNOPF: -- ingress and egress, and they should
25 have put that in with their application.

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1 MS. CITARAMANIS: I understand that, but the way
2 that it is unfolding is that you really need to get it in by
3 Wednesday. Friday is, I mean, not --
4 MS. CHO: We've heard that instruction from the
5 Hearing Examiner.
6 MS. CITARAMANIS: Okay. So, you need to get that
7 in, and if we have to go to setting another hearing date,
8 unfortunately that would, I know that your clients are, at
9 least to the, the daughter is leaving for New Zealand, but
10 at the same time this needs to go forward, we will hopefully
11 not have to do that. So, I'm asking that you get it in by
12 Wednesday, keep both, everybody apprised, get your statement
13 in, get the resume in, make it as complete as possible, and
14 I will certainly entertain any motion to strike on the 14th,
15 but hopefully it'll all be for naught because you'll be able
16 to get your expert to whip out that one-page report. I
17 certainly am sure it's an expert you have all the time that
18 would be happy to do that for you, but --
19 MR. KNOPF: I would like the record to reflect,
20 because I say now I'm not trying to beat a dead horse, they
21 asked for an extension of time precisely to do that, which
22 they still have not done, and that is to have a study and to
23 give us the report.
24 MS. CITARAMANIS: No, and, you know, I understand
25 that, and I think the record is very clear on that, and I

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1 also recognize that I could have extended, I could have
2 granted that and extended, and reset the hearing much
3 farther down the road but we didn't because of your issues
4 on your side, so in the big picture this is a good
5 compromise, I think, for this proceeding, as well as taking
6 into account your client's needs. And they're going to work
7 as hard as they can to get that information to you,
8 understanding what the possible consequences can be if it
9 isn't, you don't meet that. So --
10 MR. KNOPF: Thank you.
11 MS. CITARAMANIS: -- we will go with my, my ruling
12 is have it in by Wednesday. You'll keep everybody apprised?
13 MS. CHO: Clarifying, Wednesday close of business?
14 MS. CITARAMANIS: Yes. I mean, and I'm certainly,
15 I can't imagine that you all wouldn't be upset if it showed
16 up on your door Thursday morning, but close of business
17 Wednesday is what I would like the record to show. It
18 certainly would help me in preparing for the hearing on the
19 14th as well, I mean, just in review, and knowing what to
20 expect, but the other stuff definitely needs to be in, and I
21 trust you will make every effort to get that report in to
22 the opposing counsel, and plus, it needs to be in the file.
23 So I'm sure the other individuals that want to review the
24 file can see what is in there as well. Okay. Do we have
25 anything else? Okay. Then what we will do is we will

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1 continue this hearing until May 14th, starting at 9:00. I
2 have both sides saying that they, this is a one-day hearing,
3 and everybody's witnesses will be here, everybody will be
4 ready to go.
5 MR. KNOPF: You said at 9:00, is that --
6 MS. CITARAMANIS: 9:30.
7 MR. KNOPF: That's, okay.
8 MS. CITARAMANIS: Unless somebody needs it --
9 MR. KNOPF: No.
10 MS. CITARAMANIS: -- to be just a little bit
11 later.
12 MR. KNOPF: No, you mentioned 9:00, that's what --
13 MS. CITARAMANIS: Oh, did I?
14 MR. KNOPF: Yes.
15 MS. CITARAMANIS: I apologize, 9:30. I need it
16 9:30 because I come from Howard County and you never know
17 the traffic from that way. It's like the other day it took
18 me an hour and 10 minutes to get home.
19 MR. AREM: I come from Laurel, I sympathize.
20 MS. CITARAMANIS: Yes. It's the back roads. So,
21 anything else you wanted to add? I just want to make sure
22 since we're all gathered here -- we have one more question.
23 MR. KNOPF: I've now been advised that there's
24 another resident who has appeared that wants to testify.
25 MS. CITARAMANIS: Okay. Another resident. Okay.

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1 Let me see. I don't have -- are you all --
2 MR. WORETA: I am her husband.
3 MS. CITARAMANIS: Okay. We learned her name is
4 Minnie.
5 MR. WORETA. Yes.
6 MS. CITARAMANIS: Because that one we could say.
7 Are you all okay with having one more citizen come up?
8 Okay. I'm going to -- where did I put the list? Did you
9 sign in?
10 UNIDENTIFIED SPEAKER: He didn't.
11 MS. CITARAMANIS: He did not? I need you to, if
12 you could go sign in and that gives me time to find my sign
13 in sheet. Is that Woreta?
14 MR. WORETA: Woreta.
15 MS. CITARAMANIS: I have his name, but I -- and
16 you do need him to sign in, though. Oh, here it is.
17 (Discussion off the record.)
18 MS. CITARAMANIS: All right. If you could come
19 over here and sit in the blue chair with the mic. I need
20 you to raise your right hand.
21 (Witness sworn.)
22 MS. CITARAMANIS: I need you to state your name
23 and your address, and your position as to this application,
24 whether you're in support of or in opposition, and whatever
25 you have to say to support that.

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1 MR. WORETA: My name is Dereje, D-E-R-E-J-E,
2 Woreta, W-O-R-E-T-A, and I reside at 15006 Layhill Road.
3 And I am here against.
4 MS. CITARAMANIS: You're here what?
5 MR. WORETA: I'm here against the --
6 MS. CITARAMANIS: Okay.
7 MR. WORETA: -- the request.
8 MS. CITARAMANIS: Okay. So, tell me why.
9 MR. WORETA: And the reason is already because of
10 the ICC, the traffic is, you know, already significantly
11 increasing the number of the traffic, definitely increasing
12 traffic, and it's only two one-way roads, and there isn't
13 any other way. If somebody wants to turn to that property
14 the traffic is going to back up to our, you know, all to our
15 property into the Layhill Road. And the other thing is, you
16 know, our house is on the back side where the children play,
17 and we have our deck, and my wife already she is at home and
18 she's tells me that --
19 MS. CITARAMANIS: Why don't you just tell me from
20 what your experience is?
21 MR. WORETA: We are so close that, you know, the
22 noise is going to affect us.
23 MS. CITARAMANIS: Okay. Your wife already
24 testified, so I really want to hear your --
25 MR. WORETA: Yeah.

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1 MS. CITARAMANIS: -- positions. Okay, so the
2 increase in traffic from ICC and turning left, and the
3 location, your rear deck overlooks the backyard.
4 MR. WORETA: Uh-huh.
5 MS. CITARAMANIS: Okay. And the noise. Anything
6 else?
7 MR. WORETA: That's all.
8 MS. CITARAMANIS: Okay. Do you all have any
9 questions for Mr. Woreta?
10 MS. CHO: No, we do not.
11 MS. CITARAMANIS: Any questions?
12 MR. KNOFF: No questions.
13 MS. CITARAMANIS: Okay. I don't know if your wife
14 explained to you, but the hearing is being, will actually
15 take place on the 14th, you have elected to testify today
16 and give your statement, and I believe I have a statement
17 from you all anyway, so you're not going to be testifying on
18 the 14th. The record will be left open for a period certain
19 which I will state at the hearing, and you'd be able to
20 submit a written document, and follow up that you want based
21 on new information that comes in next week. Okay?
22 MR. WORETA: Okay. All right.
23 MS. CITARAMANIS: All right. Thank you for coming
24 out.
25 MR. WORETA: Thank you.

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1 MS. CITARAMANIS: Appreciate that. Okay. Are we
2 ready to prepare for next week? Okay. Good enough. Then
3 we will continue this until Tuesday, May 14th at 9:30 a.m.,
4 and everybody's going to be ready to go. All right?
5 MR. KNOFF: Thank you.
6 MS. CITARAMANIS: Good enough. Thank you.
7 MR. KNOFF: Thank you very much.
8 MS. CITARAMANIS: See you then.
9 (Whereupon, at 11:04 a.m., the hearing was
10 concluded.)
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C E R T I F I C A T E

DEPOSITION SERVICES, INC., hereby certifies that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings before the Office of Zoning and Administrative Hearings for Montgomery County in the matter of:

Loving Childcare Petition of Chandrasekaran and
Dharmalatha Rajapaksha
Case No. SE-13-01

By:

Paula Underwood, Transcriber

<p style="text-align: center;">A</p>	<p>against (2) 51:3,5</p>	<p>aspect (2) 40:20;43:5</p>	<p>best (2) 13:10,14</p>	<p>19;11:12;12:17;13:8; 14:9,10,11,13,18;</p>
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<p>ABC (2) 4:23;5:18</p>	<p>agree (4) 9:14,18;45:21;46:23</p>	<p>assistance (1) 4:16</p>	<p>big (3) 27:9;31:6;48:4</p>	<p>21:11,17;22:15,22; 24:7,15,17,18,21,22,</p>
<p>ability (2) 45:25;46:4</p>	<p>agreed (1) 8:17</p>	<p>assume (3) 18:7,8;43:17</p>	<p>bigger (5) 18:25;19:18;20:6; 21:16,16</p>	<p>23:25:15;26:2,3,4,15; 27:21;30:15,18;31:18,</p>
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<p>access (1) 28:14</p>	<p>along (1) 35:6</p>	<p>attorneys (1) 5:14</p>	<p>blue (2) 21:25;50:19</p>	<p>car (7) 25:1;27:15,18;31:10, 13;35:1,3</p>
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<p>affects (2) 32:2,2</p>	<p>Arem (20) 4:3;6:8,8;20:13,18, 25;21:2,13,19,21;22:3, 7,11;23:3;28:19;29:7, 14;30:11;36:19;49:19</p>	<p>behind (17) 18:17;20:14,16,17, 19;22:3,18,19;23:15; 24:6,7,21;27:17,23; 30:2,12;35:3</p>	<p>called (1) 12:25</p>	<p>came (1) 11:3</p>
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