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Transcript of Hearing

Date: April 14, 2017

Case: Bentota Group Daycare, In Re:

Planet Depos

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Conducted on April 14, 2017

1 (1 to 4)

<p>1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS</p> <p>2 FOR MONTGOMERY COUNTY, MARYLAND</p> <p>3 -----x</p> <p>4 In Re: :</p> <p>5 BENTOTA GROUP DAYCARE : Case No. CU 17-11</p> <p>6 -----x</p> <p>7</p> <p>8 HEARING</p> <p>9 Before Hearing Examiner Lynn Robeson</p> <p>10 Rockville, Maryland</p> <p>11 Monday, April 14, 2017</p> <p>12 9:35 a.m.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Job: 141945</p> <p>24 Pages: 1 - 29</p> <p>25 Transcribed by: Susan E. Wilson</p>	<p>1 P R O C E E D I N G S</p> <p>2</p> <p>3 LYNN ROBESON: I am calling-</p> <p>4 SAMAN BENTOTA: Good morning.</p> <p>5 NAMALIE BENTOTA: Good morning.</p> <p>6 LYNN ROBESON: Good morning. Just a second. I am</p> <p>7 calling the case of CU 17-11, an application filed by Ms.</p> <p>8 Bentota for a group daycare facility for up to 12 children,</p> <p>9 Playpen for Kids, at 11009 Nicholas Drive, Silver Spring</p> <p>10 Maryland. Let me, just a second. Can you identify</p> <p>11 yourselves for the record? Name and address please.</p> <p>12 NAMALIE BENTOTA: Hi. Good morning. I am Namalie</p> <p>13 Bentota. I live in 11009 Nicholas Drive, Silver Spring</p> <p>14 Maryland, 20902.</p> <p>15 LYNN ROBESON: He has to say his name. You don't have</p> <p>16 to pass that. It is not a projecting mic. It is a</p> <p>17 recording.</p> <p>18 SAMAN BENTOTA: My name is Saman Bentota. I am her</p> <p>19 husband. So, I just came to help if she needs any help.</p> <p>20 LYNN ROBESON: Ok. Alright. So let me just explain</p> <p>21 this hearing for a moment so you know what to expect. So I</p> <p>22 see no one in opposition right now. It is an informal</p> <p>23 hearing but we do have certain formalities and your</p> <p>24 testimony is under oath. So I am going to swear you in.</p> <p>25 Alright? And then what we typically do is the Staff Report,</p>
<p>1 C O N T E N T S</p> <p>2 PAGE</p> <p>3 TESTIMONY OF SAMAN BENOTA 6</p> <p>4 TESTIMONY OF NAMALIE BENOTA 7</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 which I understand you did not get?</p> <p>2 SAMAN BENTOTA: Yeah. We just (inaudible)</p> <p>3 LYNN ROBESON: Have you had a chance to review it?</p> <p>4 SAMAN BENTOTA: We just went through this one right?</p> <p>5 LYNN ROBESON: It is exhibit, well in our record it is</p> <p>6 exhibit 21A. The reason I ask is that has all the legal</p> <p>7 standards in it and I was going to ask if you agree with</p> <p>8 the findings and want to adopt it as your own testimony</p> <p>9 that way I don't have to take you through all the technical</p> <p>10 legal standards?</p> <p>11 SAMAN BENTOTA: Are they the same report that Ms.</p> <p>12 Laurie commented on when we had the hearing? Yeah.</p> <p>13 LYNN ROBESON: You wish to adopt it? Ok well let me do</p> <p>14 this. Both of you raise your right hands please. Do you</p> <p>15 solemnly affirm under penalties of perjury that the</p> <p>16 statements you are about to make are the truth, the whole</p> <p>17 truth, and nothing but the truth?</p> <p>18 SAMAN BENTOTA: Yes.</p> <p>19 NAMALIE BENTOTA: Yes.</p> <p>20 LYNN ROBESON: Now. Do you want to adopt, you can put</p> <p>21 your hands down. Do you wish to adopt the findings of fact</p> <p>22 and conclusions of law in the Staff Report as your own</p> <p>23 testimony? Do you agree with the findings of fact and</p> <p>24 conclusions of law?</p> <p>25 NAMALIE BENTOTA: Yes.</p>

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2 (5 to 8)

<p>5</p> <p>1 LYNN ROBESON: Did you read the conditions of 2 approval? You didn't get a copy of this report at the 3 Planning Board Hearing? 4 NAMALIE BENTOTA: No. 5 SAMAN BENTOTA: We didn't get a copy of that after the 6 hearing, the Planning Board Hearing. Just a letter but not 7 detailed like this. 8 LYNN ROBESON: Why don't we do this, why don't we, I 9 like you to be sure of what it says before you. So I am 10 going to go off the record for 20 minutes and really take a 11 moment and look through that and think about it. Ok? So if 12 you need more time because really I want you to understand 13 what is in the report and be comfortable with it. If you 14 need more than 20 minutes you can go to Ellen Forbes or 15 just walk into our office and tell one of the assistants 16 there but we are going to go off the record until 10 17 o'clock. You take your time and make sure you understand it 18 because I don't want you to agree to something that you are 19 not fully comfortable with. Alright? 20 SAMAN BENTOTA: Ok. Sure. Thank you. 21 LYNN ROBESON: Thanks. Ok we are back on the record. 22 Did you get a chance to look through it? 23 SAMAN BENTOTA: Yes. 24 NAMALIE BENTOTA: Yes. 25 LYNN ROBESON: Ok. Did you see anything that is</p>	<p>7</p> <p>1 SAMAN BENTOTA: Attachment 1, about the in and out. 2 LYNN ROBESON: Oh yes. 3 SAMAN BENTOTA: We are big enough. It is- She just 4 wrote all the in and out forms for the last 2 weeks. So it 5 is the first little but they always all the same time. It 6 is not the exact time that is here. 7 LYNN ROBESON: Ok well we need- Well let me ask you 8 something. 9 SAMAN BENTOTA: Yeah. 10 LYNN ROBESON: Are all these in separate cars? 11 NAMALIE BENTOTA: Yeah. 12 SAMAN BENTOTA: Yeah. Separate cars, yeah. 13 LYNN ROBESON: Ok. So can you tell me the corrections 14 to attachment 1 or do you have that with you? 15 SAMAN BENTOTA: We have that. 16 LYNN ROBESON: Ok. Well what I am going to do, you 17 signed the affidavit opposing and I am going to add that as 18 an exhibit so that will be 26 and if you want to bring this 19 forward. Is this a schedule of- 20 SAMAN BENTOTA: Picking up and dropping off. 21 LYNN ROBESON: Drop-off and pickup, ok. So is this an 22 original? 23 NAMALIE BENTOTA: Yeah. 24 LYNN ROBESON: Ok. I am going to have her make a copy 25 and give this back to you. If you can wait just-</p>
<p>6</p> <p>1 inaccurate or is there anything you disagree with? Before I 2 didn't ask Mr. - Your last name is Saman Bentota? 3 SAMAN BENTOTA: Bentota is my last name. 4 LYNN ROBESON: Would you kindly, I forgot to have you 5 did you state your name and address for the record? 6 SAMAN BENTOTA: I did not. 7 LYNN ROBESON: Ok. Please do that and I am going out 8 of order but I thought you had seen the Staff Report. 9 SAMAN BENTOTA: My name is Saman Bentota and I live in 10 11009 Nicholas Drive Silver Spring Maryland, 20902. 11 LYNN ROBESON: Thank you. Ok. Now let's get back to 12 the Staff Report. 13 SAMAN BENTOTA: It is ok. Everything is- We have been 14 through almost everything and there it says 7 child on page 15 4. 16 LYNN ROBESON: Yeah. 17 SAMAN BENTOTA: It says 7 child daycare. So as of now 18 we have 8, that was the maximum allowed. 19 LYNN ROBESON: Oh yes. That is fine. Ok. So you have 8 20 now. 21 SAMAN BENTOTA: 8 now. 22 LYNN ROBESON: Alright. 23 SAMAN BENTOTA: Also on the page, the one before the 24 last one I think page 13 that attachment 1. 25 LYNN ROBESON: I am sorry.</p>	<p>8</p> <p>1 SAMAN BENTOTA: That is fine. Yeah. 2 LYNN ROBESON: So I am going to say this is the 3 existing schedule of drop-off and pickup. 4 SAMAN BENTOTA: Yeah. Most recent one. 5 NAMALIE BENTOTA: Last week and this week. 6 LYNN ROBESON: Let me just- We are off the record for 7 as long as it takes for me to copy this. Ok? Ok. She is 8 going to bring in a copy. So the condition in the Staff 9 Report is should be based on vehicles because from a 10 traffic perspective it is not- Sometimes you get siblings 11 and things like that. So the condition in the Staff Report 12 is that you have to stagger drop-off so no more then 4 13 vehicles entering and exiting the site in any 30 minute 14 period. 15 SAMAN BENTOTA: Yes. 16 LYNN ROBESON: Does that work for you? 17 NAMALIE BENTOTA: Yeah. 18 LYNN ROBESON: Now, what I found out, Staff applied an 19 incorrect analysis. Ok? How many nonresident staff are you 20 going to have? 21 SAMAN BENTOTA: Right now she has 1 but when the 22 number of children are increased we will get another one. 23 LYNN ROBESON: Have 2? 24 SAMAN BENTOTA: 2, yeah in future. 25 LYNN ROBESON: Ok. So if I- So I am going to mark this</p>

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<p>9</p> <p>1 as exhibit 37 so we have this in the record. Thank you, 2 Ellen. Ok so this is what I need, I need to get straight 3 and Planning Department Staff did not understand my 4 question and my question is this, you need under the code, 5 you need 2 parking spaces for your home. Alright? 6 SAMAN BENTOTA: Yes. 7 LYNN ROBESON: Then you need 2 parking spaces for each 8 of your nonresident employees. 9 SAMAN BENTOTA: Yes. 10 LYNN ROBESON: Ok. Then you need 2 parking spaces for 11 pickup and drop-off- I think what you need is 2 parking 12 spaces for pickup and drop-off. I just- I am sorry. Usually 13 we have better preparation from Staff and you would have 14 seen the Staff Report. Staff just sent me an email 15 clarifying how many parking spaces you have. So I 16 apologize. Let me go off the record again and get that 17 email so that you can look at it. Ok? 18 SAMAN BENTOTA: That is ok. 19 LYNN ROBESON: If you could just bring it back up. Now 20 what I am getting at is, and I will tell you. So, the 21 bottom line is I read your request. You need the two spaces 22 in the driveway can be for the residents. You need to have 23 4 spaces plus pickup and drop-off space. I think, according 24 to this if you only have 2 nonresident employees, Staff 25 says 2 vehicles. Ok so I think you are ok if you only have-</p>	<p>11</p> <p>1 got 2 parking spaces adjacent to the sidewalk there. You 2 follow what I am saying? 3 SAMAN BENTOTA: Yeah. 4 LYNN ROBESON: Are you amendable to making sure that 5 your parents only 2 vehicles are dropping off at any one 6 time? 7 SAMAN BENTOTA: Because there is, actually there are 3 8 parking spaces. I just want to know if it would take the 9 whole length from the stopping sign on the Constance 10 Street. 11 LYNN ROBESON: Right. But what she is saying is- 12 SAMAN BENTOTA: Is 2. I know. 13 LYNN ROBESON: There is actually a parking 14 restriction. You can't park 30 feet from that stop sign. 15 SAMAN BENTOTA: I see. 16 LYNN ROBESON: So what I am saying it would you be 17 agreeable to stagger your schedule so that there is no 18 more- What we typically, she didn't put in, Staff didn't 19 put in the typical conditions. I apologize for hitting you 20 with all of this at the hearing. What we are saying is that 21 you have got the 2 parking spaces- What they typically do 22 is include a condition requiring you to assign parents 23 particular times to arrive so that everybody doesn't 24 converge on the site at one time and I am going to include 25 that condition in your Staff Report but I am also asking</p>
<p>10</p> <p>1 Because you have the 2- You need 4 spaces. So you have got 2 the 2 in the driveway, that is for the residents. Then you 3 have 2 on Nicholas Drive, that is for the nonresident 4 employees. Even if the nonresident employees walk right 5 now, we still have to provide them because they may not 6 walk in the future. So 2 on Nicholas and then we have 2 for 7 drop-off and pick up on Constance. Is that a fair summary 8 of the situation now? 9 SAMAN BENTOTA: Yes. 10 NAMALIE BENTOTA: Yes. 11 LYNN ROBESON: Go back for a moment to the conditions 12 of approval in the Staff Report. That is on page 2 of the 13 Staff Report. 14 SAMAN BENTOTA: Yes. 15 LYNN ROBESON: Ok. Look at condition number 2. It says 16 no more than 4 vehicles entering and exiting the site in 17 any 30 minute period. Which would be but what I am saying 18 is we don't let them, we don't let kids drop-off across the 19 street. They have to be adjacent to the site. So would you 20 be agreeable if I said no more, I will keep that. No more 21 than 4 vehicles entering and exiting the site in any 30 22 minute period but would you be agreeable to stagger your 23 schedule so that there is no more than 2 vehicles dropping 24 off at the site at any one time? In other words, you can't 25 have 4 vehicles converge on the site because you have only</p>	<p>12</p> <p>1 you if you are comfortable agreeing to a condition saying 2 we will schedule the drop-off and what we are saying is you 3 give each parent a time. You have to include in your parent 4 agreement that they have to abide by that time and then we 5 are going to ask you to schedule your parents arrivals and 6 pickups so that no more than 2 can pick up at one time. 7 SAMAN BENTOTA: Ok. Can we have a minute? 8 LYNN ROBESON: Sure. You are comfortable with that? Do 9 you understand what I am saying? 10 SAMAN BENTOTA: Yes. 11 LYNN ROBESON: I just wanted to make sure because this 12 is important to you and I want it to work for you but I 13 also have to meet the code requirements. 14 SAMAN BENTOTA: As of now it doesn't have one but in 15 future we can include that in the parent agreements so that 16 they know about it. 17 LYNN ROBESON: That is fine and you know you can lose 18 your special- If you don't abide by these conditions of 19 approval they can revoke your special exception. What we 20 try to do with the in-home daycares, they are great, I have 21 had so many people in front of me who are so good. I am 22 sure just like you but we have to watch out for the traffic 23 and the safety. So that is kind of the balancing act we are 24 doing. Ok? 25 SAMAN BENTOTA: Yes.</p>

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4 (13 to 16)

<p>13</p> <p>1 LYNN ROBESON: Now there is one other issue that Staff 2 didn't cover and that is- First of all did you get a 3 Building Permit for the fence? 4 SAMAN BENTOTA: We did. 5 LYNN ROBESON: You did. Perfect. Great. You are 6 awesome. I love you. No I take it back but that is good. 7 That is good. So you got a building permit for the fence. 8 The other thing is there is some- In the Zoning Ordinance 9 there are standards about setbacks and you know where the 10 front of your house can be in relation to the lot and that 11 kind of thing. Staff did not include that in their Staff 12 Report and so I have asked them to provide that 13 information. Now and they said in the email they said they 14 need a couple of days to do that. Now if you don't meet the 15 current zone standards I think that there is a possibility 16 that your home was built I think in 1958. 17 SAMAN BENTOTA: Exactly. Yes. 18 LYNN ROBESON: And so there were different standards 19 back then. So it is possible that it is grandfathered under 20 the standards back then but I just need that information so 21 that I can say it is grandfathered. Ok? 22 SAMAN BENTOTA: Yeah. 23 LYNN ROBESON: Now I do have one question on if you 24 don't mind coming up forward. 25 SAMAN BENTOTA: Yeah.</p>	<p>15</p> <p>1 1 inch equals 30 feet. Well I am going to get a ruler and 2 have you measure it because what I copied the 1955 Zoning 3 Ordinance and I think the setback at the time was 25 feet. 4 So it looks like you met that. There is some additional 5 requirements right here. So I am going to copy this and 6 then we are going to get a ruler and say because on this 7 you say 21 feet but I don't know what you were measuring 8 too. You may have just been measuring to the sidewalk and 9 what you really do is measure to the lot line. 10 SAMAN BENTOTA: Oh I see. I think I measured to the 11 sidewalk. 12 LYNN ROBESON: Ok. So, if you don't mind one more 13 time. I think that was one of the issues and I think there 14 is a lot width at front building line, a new requirement. I 15 don't know if you meet that but because you are a corner 16 lot I am guessing you probably do but we just have to 17 follow through with Staff and have them measure it. Now, 18 again that wasn't the requirement in the old days. So my 19 guess is that if this house was built in 58 it is not a 20 factor. Ok? But I am just letting you know of all these 21 moving parts because you know it is important that we get 22 it right and then you will be good to go with 12 children. 23 Alright? So, let me make a copy of this and then I am going 24 to bring my ruler in and have you measure it so that we 25 have on the record that you measured it and the distances</p>
<p>14</p> <p>1 LYNN ROBESON: This is exhibit 8 which is your site 2 plan. 3 SAMAN BENTOTA: (inaudible) 4 LYNN ROBESON: Oh perfect. You are the best. Thank 5 you. Is this what you got from the surveyor? Ok, this is 6 awesome. Ok. I am going to take this and make a copy and 7 put it in our thing. But there is a question- Is there a 8 scale on this? 9 SAMAN BENTOTA: Yes. 10 LYNN ROBESON: Oh yeah, 1 to 30. Perfect. Perfect. So 11 the question is did you meet, I did- First of all, does 12 this accurately depict what is on the property today? 13 SAMAN BENTOTA: Yes. 14 LYNN ROBESON: Does it include the fence? You now have 15 a fence up here right? 16 SAMAN BENTOTA: (inaudible) 17 LYNN ROBESON: Ok. So is this a fence that you had and 18 then you expanded it to the size? 19 SAMAN BENTOTA: That is right. There was this metal 20 one and then we put the wood one. (inaudible) 21 LYNN ROBESON: Ok so, does this exhibit 8 fairly and 22 accurately depict what is on the property as far as you 23 know today, exhibit 8 with the fence here? 24 SAMAN BENTOTA: Exactly. Yes. 25 LYNN ROBESON: Ok. Alright. Now, what I need to do is-</p>	<p>16</p> <p>1 is. Alright? Kind of crazy. Usually Staff does this but we 2 are good enough. So I am going to go off the record for 2 3 seconds. So who wants to measure? Ok you measure from the 4 closest point and what I am doing is I have the original- 5 For the record, I have the original house location survey 6 that is sealed, has an original seal by an engineer and who 7 is- Ms. Bentota, I need you to measure. Here is a ruler. I 8 need you to measure from the closest part of the house to 9 the lot line and tell me how much that is. Here is a better 10 one. Neither of you is an engineer are you? Here try this 11 one. Here or that is the 16th. Try this one. 12 SAMAN BENTOTA: This is the whole inch (inaudible) 13 LYNN ROBESON: Here, let me see. Yes that is the inch. 14 Let's do it with this. So it looks- These are divided into 15 16ths of an inch. So what it looks like is- Is it your 16 testimony that it is 15/16ths of an inch? In other words, 17 each dividing line here- 18 SAMAN BENTOTA: 1/16, yeah. 19 LYNN ROBESON: Each dividing line is 1/16th of an inch. 20 SAMAN BENTOTA: Yeah. 15/16ths. Yeah. 21 LYNN ROBESON: Ok. Now we are going to do more 22 measurements. So that is the setback from Constance Street. 23 Now we are going to do the setback from Nicholas Drive. So, 24 can you tell me what that is? 25 SAMAN BENTOTA: Ok. 14/16ths.</p>

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<p>17</p> <p>1 LYNN ROBESON: I don't have a calculator with me. I 2 think it meets it but anyway. 3 SAMAN BENTOTA: Is it 14/16ths? 4 LYNN ROBESON: Yes. I agree with you. Well you have to 5 tell me. Is it 14/16ths? 6 NAMALIE BENTOTA: Yes. 7 LYNN ROBESON: Ok. Now we are going to do some more. I 8 apologize for this. What I want you to do is tell me what 9 the measurement is from the lot line on the, where is 10 North, the lot line on the South to the lot line on the 11 North and I am placing this right along the building face. 12 SAMAN BENTOTA: Ok. 13 LYNN ROBESON: Ok. So please tell me that measurement? 14 Wait I have got the- Ok. I am placing the zero right at the 15 southern, right along the building face. So, can you tell 16 me how many inches? 17 SAMAN BENTOTA: It is 4 inches. 18 LYNN ROBESON: Ok. 19 SAMAN BENTOTA: And 3/16ths. 20 LYNN ROBESON: Ok. I am sorry, 4 and 3/16ths inches? 21 SAMAN BENTOTA: That is right. 22 LYNN ROBESON: Ok. Now I am going to take the same 23 thing and tell me what the measurement is from, I am 24 placing the zero on the southern lot line again and I am 25 placing the- I want you to measure to the lot line just</p>	<p>19</p> <p>1 you tell me what that is? 2 SAMAN BENTOTA: 3 inches and 1/16th. 3 LYNN ROBESON: Didn't think you would have to do this 4 today did you? Alright. Now what I would like to do is keep 5 this in our record. The reason I- Oh wait. Nicholas to 6 eastern. Ok, what I would like to do is keep the original 7 in our record until the decision is final and that is so 8 that if I need any more measurements I have the original 9 and I can make the measurements. Alright? You will get it 10 back- You can get it back. I have the copy here. 11 SAMAN BENTOTA: I come up here and talk to- 12 LYNN ROBESON: Yeah and if you want to go back to your 13 seats. Ok. I really appreciate you bringing this. Thank you 14 very much and you will get it back. I just want to make 15 sure if we didn't do all the measurements I need today that 16 we can still make them. Alright? 17 SAMAN BENTOTA: Yeah. 18 LYNN ROBESON: So, the other thing is you submitted 19 several other plans, exhibit 8. You had a floorplan. 20 SAMAN BENTOTA: Yes. 21 LYNN ROBESON: Do those still accurately depict the 22 property? 23 SAMAN BENTOTA: Yes. 24 LYNN ROBESON: The floorplan and your pictures? 25 SAMAN BENTOTA: Yes.</p>
<p>18</p> <p>1 under the notation R, that is radius, R=20.00 just under 2 that last zero. Whoops, I tipped it. 3 SAMAN BENTOTA: Under this one right? 4 LYNN ROBESON: Correct. 5 SAMAN BENTOTA: 4 inches. 6 LYNN ROBESON: What is it? 7 SAMAN BENTOTA: 4 inches. 8 LYNN ROBESON: 4 inches. 9 SAMAN BENTOTA: And 6/16ths. 10 LYNN ROBESON: Now I want you to do the same thing 11 here. I am placing the zero- I am placing the scale along 12 the edge of the house at the side building face and I want 13 you to measure to the rear lot line, from Nicholas Drive to 14 the rear lot line. 15 SAMAN BENTOTA: 4 5/16ths. 16 LYNN ROBESON: So what is it? I am sorry. 4 inches and 17 5/16ths? 18 SAMAN BENTOTA: Not 4 inches. 3 inches. No sorry, 2 19 inches. Yeah 2 inches. From here it is 2 inches and very 20 close to the 3rd one. 21 LYNN ROBESON: It looks like it is 3 and 15, no. 2 and 22 15/16ths. 23 SAMAN BENTOTA: Yeah. That is right. Yeah. 24 LYNN ROBESON: Now I am going up and I am measuring 25 from Nicholas Drive lot line to the eastern lot line. Can</p>	<p>20</p> <p>1 LYNN ROBESON: Ok. Now, Staff says you have a banner 2 sign on the fence. 3 SAMAN BENTOTA: On the fence, yes. 4 LYNN ROBESON: Those are not permitted. Any sign that 5 can be lifted by the wind and torn off they don't permit 6 because it is a hazard to traffic. 7 SAMAN BENTOTA: Ok. 8 LYNN ROBESON: Ok. So my question is, are you 9 proposing- Do you want to propose a different sign or you 10 can, I believe you can have in your zone a sign that is 2X2 11 but the banner sign is not permitted. 12 SAMAN BENTOTA: Ok. 13 LYNN ROBESON: You could have a 2X2 sign. If you want 14 a bigger sign you have to get a sign variance. 15 SAMAN BENTOTA: Ok. So we remove the sign. Right. So 16 what is available, we remove that sign and is it ok if we 17 put a small sign with the, that we can put on the stand 18 that we can? 19 LYNN ROBESON: It has to be something- 20 SAMAN BENTOTA: Small one that you can- 21 LYNN ROBESON: You will have to talk to- You have to 22 get a permit for the sign from DPS. 23 SAMAN BENTOTA: I see. 24 LYNN ROBESON: So, if I know the size is going to be 2 25 feet by 2 feet and you have to show me the location where</p>

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6 (21 to 24)

<p>21</p> <p>1 you want it.</p> <p>2 SAMAN BENTOTA: So if it is 2 feet or less then can we</p> <p>3 put it on the fence still? If it is less than 2 feet?</p> <p>4 LYNN ROBESON: The problem with the banner is that the</p> <p>5 banner can be lifted or torn off by the wind and fly into</p> <p>6 somebody's windscreen. That is why they don't permit banner</p> <p>7 signs.</p> <p>8 SAMAN BENTOTA: So not the size, even if it is less</p> <p>9 than, small?</p> <p>10 LYNN ROBESON: It is just the fact that it can be torn</p> <p>11 off in a wind storm. Now what I can do is say you could</p> <p>12 put, perhaps, a 2 foot by 2 foot sign you know in front,</p> <p>13 right in front of the fence but staked in.</p> <p>14 SAMAN BENTOTA: Oh yeah. Ok.</p> <p>15 LYNN ROBESON: But why don't you mark here the</p> <p>16 location of where- You would have to mark where the sign is</p> <p>17 on the site plan and I have to require you to get a permit</p> <p>18 for the sign and that is through DP, Department of</p> <p>19 Permitting Services. It can't be too- Don't put it too</p> <p>20 close to the corner because they will give you trouble</p> <p>21 about site distance.</p> <p>22 NAMALIE BENTOTA: What do they do if I have it like</p> <p>23 this?</p> <p>24 LYNN ROBESON: Ok. You could have- You might be able</p> <p>25 to have a sign but it has to be permanent like a staked</p>	<p>23</p> <p>1 NAMALIE BENTOTA: Yes.</p> <p>2 LYNN ROBESON: Now what I am going to have you do,</p> <p>3 alright. What I am going to have you do is you have to go</p> <p>4 to DPS and get a permit. If they change that location and</p> <p>5 say for some reason it is not proper you can move it you</p> <p>6 just have to file the new location with us.</p> <p>7 SAMAN BENTOTA: We are getting a copy of that?</p> <p>8 LYNN ROBESON: You are going to get- What we typically</p> <p>9 put is saying you can have a 2X2 sign at the location shown</p> <p>10 subject to approval by DPS or if you want a bigger sign you</p> <p>11 have to go to the Sign Variance Board but then if they</p> <p>12 change it you have to just let us know the new location and</p> <p>13 that way when anybody goes to enforce the special exception</p> <p>14 conditions they know where the sign is supposed to be.</p> <p>15 SAMAN BENTOTA: Can we have 2?</p> <p>16 LYNN ROBESON: I think you can but I am not sure. Why</p> <p>17 don't you do 2 and you will have to go to DPS and-</p> <p>18 SAMAN BENTOTA: So once they approve I get a copy of</p> <p>19 the verdict here?</p> <p>20 LYNN ROBESON: And then you give that to us. Ok?</p> <p>21 SAMAN BENTOTA: Yes.</p> <p>22 LYNN ROBESON: Ok. So that is taken care of. Ok I</p> <p>23 think that was the last issue that I needed. So just to</p> <p>24 recap, you are ok with the condition where you have to</p> <p>25 assign no more than 2 people to drop off at any one time?</p>
<p>22</p> <p>1 sign. I don't know if DPS permits the little wire type</p> <p>2 signs. This is one of the wire type signs. You would have</p> <p>3 to check with DPS. Can you email this to me because I am</p> <p>4 not allowed to- Here let me give you. I have to put that-</p> <p>5 If we are talking about it, I have to put it in the record.</p> <p>6 So let me write my email down. Hopefully you can read that.</p> <p>7 If you take that out my name is right there but it has a</p> <p>8 dot in between Lynn and Robeson.</p> <p>9 NAMALIE BENTOTA: (inaudible)</p> <p>10 SAMAN BENTOTA: (inaudible)</p> <p>11 LYNN ROBESON: It is my official email. Trust me. We</p> <p>12 get unhappy people here. Ok. So as to the sign what I am</p> <p>13 going to say- Now I need you to mark on this exhibit 8. All</p> <p>14 I can recommend is don't put it too close to the corner</p> <p>15 because you have site distance issues. So you want 2 signs?</p> <p>16 Because this is Nicholas. You probably want 1 where the</p> <p>17 drop-off. Well I can't say where you want a sign but- Are</p> <p>18 you thinking of putting one here?</p> <p>19 SAMAN BENTOTA: This is the front part. So it is</p> <p>20 (inaudible) off. It is very close to the-</p> <p>21 LYNN ROBESON: I see. So maybe here. Ok. Well that is-</p> <p>22 Well for the record Ms. Bentota is marking in blue pen the</p> <p>23 desired location of the sign which is going to be 2X2. Am I</p> <p>24 correct?</p> <p>25 SAMAN BENTOTA: Yes.</p>	<p>24</p> <p>1 Alright.</p> <p>2 NAMALIE BENTOTA: Ok.</p> <p>3 LYNN ROBESON: And then other typical- And you are</p> <p>4 going to apply for a sign permit for the signs and let us,</p> <p>5 provide us with a copy?</p> <p>6 SAMAN BENTOTA: Ok.</p> <p>7 LYNN ROBESON: And then we are going to keep your</p> <p>8 house location survey in case I need it, the original.</p> <p>9 SAMAN BENTOTA: Ok.</p> <p>10 LYNN ROBESON: And then what happens now and you are</p> <p>11 ok with the other conditions recommended by Staff, in the</p> <p>12 Staff Report?</p> <p>13 SAMAN BENTOTA: Yes.</p> <p>14 NAMALIE BENTOTA: Yes.</p> <p>15 LYNN ROBESON: Now there are other conditions of</p> <p>16 approval that we typically put on and one is that there is</p> <p>17 no outdoor amplified music.</p> <p>18 SAMAN BENTOTA: Oh yeah.</p> <p>19 LYNN ROBESON: Another is that you have to comply with</p> <p>20 your State Licensing Requirements.</p> <p>21 SAMAN BENTOTA: Yes.</p> <p>22 LYNN ROBESON: Another is that you have to keep the</p> <p>23 grounds free of trash and debris and in safe condition. We</p> <p>24 don't count if you have play toys that are stored outside.</p> <p>25 We don't count that as trash and debris and the last thing</p>

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7 (25 to 28)

<p>25</p> <p>1 is you have to comply with all the licenses and permits 2 necessary for governmental permits that you need like the 3 sign permit. 4 SAMAN BENTOTA: Ok. 5 LYNN ROBESON: Ok? 6 SAMAN BENTOTA: Yeah. 7 LYNN ROBESON: Do you agree to- And the other thing is 8 there are annual inspection fees charged by DPS and so we 9 make that a condition of approval as well. 10 SAMAN BENTOTA: Yes. 11 NAMALIE BENTOTA: Alright. 12 LYNN ROBESON: Alright. Well thank you so much for 13 your cooperation. 14 SAMAN BENTOTA: Thank you so much. The (inaudible) 15 plan can I get a copy of that because the last when I 16 applied for the permit they (inaudible)? 17 LYNN ROBESON: That is correct. Why don't you take the 18 copy that I made and you can use that. That is a good point 19 and if they need it let me know but I will tell you the 20 process from here on in. the process is, I am going to 21 leave the record open for 10th days. Today is the 14th. So 10 22 days would be the 24th. If the 24th falls on a Saturday and 23 Sunday the record stays open until the following business 24 day. If you disagree with anything that I write in my 25 decision you have the ability to appeal to the Board of</p>	<p>27</p> <p>1 now. They are my neighbors. They are walking to the 2 daycare. 3 LYNN ROBESON: Ok. 4 NAMALIE BENTOTA: Other 5 children, yeah. They come by 5 vehicle. 6 LYNN ROBESON: Ok. Well I do appreciate your coming in 7 and as I said we try to get a decision out earlier. We will 8 notify you when it comes out and if you need this original 9 back I probably only need it for 10 days. So if you need 10 the original back let us know but just in case I wanted to 11 keep it because once you copy something the scale gets 12 altered. 13 SAMAN BENTOTA: Yes. 14 LYNN ROBESON: Ok? 15 SAMAN BENTOTA: Yeah. So once I get the permit for the 16 signs so I need to- 17 LYNN ROBESON: You send that back to us, yes. 18 SAMAN BENTOTA: Should I get it before 10 days? 19 LYNN ROBESON: No. You don't need to do that. There 20 will be a condition saying requiring you to get a permit if 21 they require a permit and just to file it with us but 22 within like a certain amount of time after receiving the 23 permit but other hten that we don't need that permit to 24 finalize this. Ok? 25 SAMAN BENTOTA: Ok. Thank you so much.</p>
<p>26</p> <p>1 Appeals within 10 days of the date of the decision and you 2 will get notified when my decisions is out and how to 3 appeal is written on that notification and everything if it 4 goes up to the board of appeals they don't hear any new 5 evidence. So if there is anything else you would like to 6 say you know you can say it here but once you ask for an 7 appeal they don't take new evidence. Ok? 8 SAMAN BENTOTA: Yes. 9 LYNN ROBESON: And then I have 30 days to write my 10 decision. We do try to get it out earlier. Sometimes we 11 can't but we do try to do that. So because I know you are 12 anxious to get a resolution. So with that is there anything 13 else you would like to say? 14 SAMAN BENTOTA: No. 15 LYNN ROBESON: No. I think it is all beaten to death 16 but I appreciate your coming in. 17 SAMAN BENTOTA: Does she have to sign something about 18 the in and out sheet that she submitted, the copies of 19 this, does she have to sign something? 20 LYNN ROBESON: No. 21 SAMAN BENTOTA: No. 22 LYNN ROBESON: The only thing I need- Right now you 23 are expecting 12 vehicles right because it is not like you 24 are expecting siblings? 25 NAMALIE BENTOTA: Yes. I am actually (inaudible) right</p>	<p>28</p> <p>1 LYNN ROBESON: Alright. 2 SAMAN BENTOTA: Thank you. 3 (Off the record at 11:00 a.m.) 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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8 (29 to 32)

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CERTIFICATE OF TRANSCRIBER

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



Susan E. Wilson