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Transcript of Administrative Hearing

Date: March 4, 2019

Case: Natasha N. Romano

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Conducted on March 4, 2019

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<p>1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS</p> <p>2 FOR MONTGOMERY COUNTY, MARYLAND</p> <p>3</p> <p>4 -----X</p> <p>5 NATASHA M. ROMANO :</p> <p>6 Applicant : Case No.: CU 19-06</p> <p>7 -----X</p> <p>8</p> <p>9</p> <p>10 HEARING</p> <p>11 BEFORE HEARING EXAMINER LUTZ PRAGER</p> <p>12 Rockville, Maryland</p> <p>13 Monday, March 4, 2019</p> <p>14 9:43 a.m.</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 No.: 233279</p> <p>24 Pages: 1 - 266</p> <p>25 Transcribed by: Christian Naaden</p>	<p>3</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 LUTZ PRAGER - HEARING EXAMINER</p> <p>4</p> <p>5 ON BEHALF OF NATASHA N. ROMANO:</p> <p>6</p> <p>7 BENJAMIN A. KLOPMAN, CHTD</p> <p>8 216 NORTH ADAMS STREET</p> <p>9 ROCKVILLE, MD 20850</p> <p>10 PHONE: (301) 424-0677</p> <p>11 FAX: (301) 340-6947</p> <p>12</p> <p>13 ON BEHALF OF THE HUBER AND CHALKI FAMILIES:</p> <p>14</p> <p>15 WILLIAM J. CHEN, JR.</p> <p>16 THE LAW OFFICE OF WILLIAM J. CHEN JR., LLC</p> <p>17 200A MONROE STREET SUITE 200</p> <p>18 ROCKVILLE, MD 20850</p> <p>19 PHONE: (301) 279-9500</p> <p>20 FAX: (301) 294-5195</p> <p>21</p> <p>22 WITNESSES ALSO PRESENT:</p> <p>23</p> <p>24 BHASKAR PATEL, RONDA GAYNOR, SCOTT WHITE, MARGARET</p> <p>25 AGRESTI, & SARAH HERRINGTON</p>
<p>2</p> <p>1 Administrative Hearing, held at the location of:</p> <p>2</p> <p>3</p> <p>4</p> <p>5 Montgomery County Office of Zoning and</p> <p>6 Administrative Hearings</p> <p>7 100 Maryland Avenue</p> <p>8 County Office Building, Room 200</p> <p>9 Rockville, Maryland 20850</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17 Pursuant to agreement, before Julie Ouedraogo,</p> <p>18 Digital Reporter in and for the State of Delaware.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>4</p> <p>1 PROCEEDINGS</p> <p>2 MR. PRAGER: Calling the case of CU 19-6, application of</p> <p>3 Natasha N. Romano. This is a public hearing requesting a</p> <p>4 conditional use for a home yoga studio. I'm going to listen</p> <p>5 to everything you have to say in this case and I am also</p> <p>6 responsible for making the decision as to whether to grant</p> <p>7 the conditional use.</p> <p>8 Now Ms. Romano filed her petition on November 7,</p> <p>9 2018. Notices were sent to the Office of Zoning and</p> <p>10 Administrative Hearings -- by the Office of Zoning and</p> <p>11 Administrative Hearings, to neighbors and neighborhood civic</p> <p>12 associations, informing them of the petition and of this</p> <p>13 hearing.</p> <p>14 Both the Montgomery County Planning Board and the</p> <p>15 staff of the Montgomery County Planning Department have</p> <p>16 recommended that the conditional use be granted. They</p> <p>17 differed in one significant respect.</p> <p>18 The planning board agreed to have 60 visitors per</p> <p>19 week. The staff only said 40. Neither one of them explained</p> <p>20 fully why they made their recommendations. And that's one of</p> <p>21 the things that we will discuss today, that I will have</p> <p>22 evidence on.</p> <p>23 I'll make the decision based not on their</p> <p>24 recommendations, though I will consider them obviously, but</p> <p>25 on the record that is established today.</p>

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<p>5</p> <p>1 This hearing is being recorded. So that will become 2 the official record of this hearing. I'll be issuing my 3 decision in due course. And anybody that is dissatisfied, any 4 party that's dissatisfied with my resolution, can appeal to 5 the board of appeals. 6 Any appeal must be based on the record created on 7 this hearing. And there'll be no opportunity to present 8 additional evidence once the record in this case is closed 9 here. So anything that is ultimately going to be appealed 10 will have to be based on the record that is established in 11 this hearing today. 12 Now I'm going to ask parties to identify themselves. 13 Please keep your voices up. I don't think these microphones 14 are on. 15 And I'm not quite sure how to turn them on because 16 this is an unusual event we're having it in this hearing room 17 rather than the usual hearing room for the Office of Zoning 18 and Administrative Hearings, because we expected a much 19 larger crowd that we have here. 20 We could probably have fit everybody in downstairs, 21 but here we are. Anyway, we'll start with the applicant, Ms. 22 Romano, will you please -- you are standing, I gather. And 23 give your full name. 24 MS. ROMANO: My full name is Natasha Niklas Romano. 25 MR. PRAGER: Okay. And you're going to be</p>	<p>7</p> <p>1 -- 2 MR. PRAGER: Let's not worry about rebuttal at this 3 point. We're still at the preliminary stage. And you have an 4 expert witness, Mr. -- well you can identify him 5 MR. KLOPMAN: It's Paul Yanhosheff [ph], Your Honor. 6 MR. PRAGER: All right. And is he here? 7 MR. KLOPMAN: Yes. He is. 8 MR. PRAGER: All right. Thank you. And I think I can 9 tell you now, because there's been some opposition to having 10 him testify, that I would like to have you have him testify 11 after your other witnesses so that we can deal with the legal 12 issues at that point. 13 MR. KLOPMAN: Absolutely fine, Your Honor. 14 MR. PRAGER: All right. Good. But otherwise 15 obviously you can call them in any order you wish. For all 16 the witnesses' purposes, witnesses will be expected to be in 17 that last chair up there, up here on this podium. And there's 18 a microphone there. 19 Again, it doesn't amplify your voice for this room, 20 but it is caught on this for purposes of recording this 21 hearing. Now is there anybody here that has not been called 22 by Mr. Romano that is going to testify independently or wants 23 to testify independently? 24 I see no one. All right. Now let's start. Mr. Chen? 25 MR. CHEN: Good morning, Your Honor. My name is Bill</p>
<p>6</p> <p>1 represented by Mr. Klopman, right? 2 MS. ROMANO: Yes. 3 MR. PRAGER: Okay. And will you identify yourself, 4 please? 5 MR. KLOPMAN: Yes. Good morning, Your Honor. My name 6 is Benjamin A. Klopman. My office is in Rockville, a couple 7 blocks away. 8 MR. PRAGER: All right. Please, this is a large 9 room. I could barely hear you. I'm not sure the people behind 10 you can hear you. So just keep your voice up as much as you 11 can. 12 MR. KLOPMAN: I will do so, Your Honor. 13 MR. PRAGER: All right. You may sit. 14 MR. KLOPMAN: Thank you. 15 MR. PRAGER: Mr. Klopman, people will not have to 16 stand -- you may sit. I'll call on you when the time comes. 17 Just sit down, please. Mr. Klopman, I assume you are ready to 18 proceed? 19 MR. KLOPMAN: I am. 20 MR. PRAGER: Okay. And how many witnesses do you 21 expect to call today? 22 MR. KLOPMAN: In addition to Ms. Romano, there'll 23 probably be about 12. 24 MR. PRAGER: Twelve witnesses. All right. 25 MR. KLOPMAN: One or two are rebuttal, semi-rebuttal</p>	<p>8</p> <p>1 Chen. I'm legal counsel for the Huber and the Chalki [ph] 2 households. I've entered my appearance in the case already. 3 And we're ready to go. 4 MR. PRAGER: All right. 5 MR. CHEN: I want just preliminary question -- 6 MR. PRAGER: Let me ask the preliminary questions. 7 And then you can ask the questions. Are all of your witnesses 8 here? All right. 9 MR. CHEN: Yes, Your Honor. 10 MR. PRAGER: Okay. All right. Is there anyone other 11 than the witnesses that Mr. Chen is going to call that are 12 going to be testifying against the grant of this application? 13 Yes, would you come forward please and identify yourself. I'm 14 not sure I can hear you from back there. You can stay there. 15 And just give me your name, please. 16 MS. AGRESTI: Margaret Agresti. 17 MR. PRAGER: Spell your last name for me, please. 18 MS. AGRESTI: A-g-r-e-s-t-i. 19 MR. PRAGER: All right. Well, when the time comes, 20 I'll call for you to testify. Sir, are you raising your hand? 21 You also wish to testify? 22 MR. PATEL: Yes, sir. 23 MR. PRAGER: All right. Would you tell me your name, 24 please? 25 MR. PATEL: First name, Vhaskar. Last name, Patel.</p>

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<p style="text-align: right;">9</p> <p>1 MR. PRAGER: I'm sorry, is --</p> <p>2 MR. PATEL: Vhaskar, I'll spell it, V-h-a-s-k-a-r,</p> <p>3 last name Patel, P-a-t-e-l.</p> <p>4 MR. PRAGER: Okay. Have a seat, please. Mr. Chen,</p> <p>5 I'll get to you in a minute. I just wanted to finish telling</p> <p>6 everybody what's going to happen this morning. This procedure</p> <p>7 is governed by the Montgomery County Administrative Procedure</p> <p>8 Act, also called the APA. And under the APA this hearing is</p> <p>9 going to proceed sequentially.</p> <p>10 First I'm going to ask, in a few minutes, if anyone</p> <p>11 here has a valid legal objection to this case going forward</p> <p>12 today. Then Ms. Romano will be permitted to make her factual</p> <p>13 presentation to establish her burden of proof. And all</p> <p>14 testimony by her and anyone else testifying today will be</p> <p>15 under oath, under penalty of perjury.</p> <p>16 As I've said, she bears the burden of proof. That</p> <p>17 means she must show by preponderance of the evidence that her</p> <p>18 expanded operation would satisfy all the relevant standards</p> <p>19 of the zoning ordinance. Ms. Romano and any witness</p> <p>20 testifying on her behalf will be subject to cross-examination</p> <p>21 by anyone opposing granting the petition.</p> <p>22 Cross-examination means asking questions. It's not a</p> <p>23 license to give speeches or to present your own evidence.</p> <p>24 Once the applicant has presented her case, Mr. Chen,</p> <p>25 and Ms. Agresti, and Mr. Patel, will be permitted to present</p>	<p style="text-align: right;">11</p> <p>1 Some of those standards are very amorphous. And the</p> <p>2 ordinance doesn't define how great a major impact can be. And</p> <p>3 that's going to be determined in an individual case.</p> <p>4 Section 73 EIG, lots of numbers in this ordinance,</p> <p>5 provides that whatever happens, it can't do undue damage to</p> <p>6 the community.</p> <p>7 So from what I've gathered, the chief concerns of</p> <p>8 this are the impact of parking and traffic on the community,</p> <p>9 though that doesn't necessarily limit what the testimony can</p> <p>10 be about.</p> <p>11 All right, Mr. Chen, you said you had something</p> <p>12 preliminary you wanted to raise.</p> <p>13 MR. CHEN: All I was going to say, Your Honor, was</p> <p>14 that there may be, if I could look where the witnesses will</p> <p>15 be, there may be a button that will amplify as well as</p> <p>16 record.</p> <p>17 MR. PRAGER: All right. Well, it may be. But I don't</p> <p>18 know what it is. But we'll see.</p> <p>19 MR. CHEN: Do you want me to take a look and see if</p> <p>20 --</p> <p>21 MR. PRAGER: All right. We'll go off the record for</p> <p>22 a moment.</p> <p>23 (Off the record.)</p> <p>24 MR. PRAGER: We'll go on the record now.</p> <p>25 MR. CHEN: Your Honor, if I may. And I apologize for</p>
<p style="text-align: right;">10</p> <p>1 a rebuttal case addressing questions and issues raised by</p> <p>2 those who are opposing the petition. And any witness who's</p> <p>3 called will obviously also be subject to cross-examination.</p> <p>4 After all that has happened, then Mr. Klopman will</p> <p>5 be permitted to present a rebuttal case addressing questions</p> <p>6 and issues raised by those opposing the petition. Any witness</p> <p>7 called in rebuttal will again be subject to cross-</p> <p>8 examination.</p> <p>9 And even though these hearings are informal, I frown</p> <p>10 very much on leading questions. I'm going to interrupt any</p> <p>11 questioning that require -- and my ask that the questions be</p> <p>12 reformulated. I also won't allow repetitious questioning or</p> <p>13 testimony, or the badgering of witnesses.</p> <p>14 And after cross-examination, or even during</p> <p>15 examination, I may ask my own questions. They won't</p> <p>16 necessarily reveal what I believe to be the merits of the</p> <p>17 case.</p> <p>18 But it's to get me more information or to resolve</p> <p>19 questions that I may have in my own mind as to what the</p> <p>20 testimony is. I'm generally familiar with the record in this</p> <p>21 case.</p> <p>22 And let me emphasize that the zoning ordinance</p> <p>23 permits home occupations that ostensibly have what it calls a</p> <p>24 major impact on the neighborhood, even if as long as it meets</p> <p>25 statutory standards.</p>	<p style="text-align: right;">12</p> <p>1 interrupting. Do you see the oval button in front of you,</p> <p>2 Your Honor. It's circled in white.</p> <p>3 MR. PRAGER: All right. Mr. Klopman, are you ready</p> <p>4 to call your first witness?</p> <p>5 MR. KLOPMAN: May I give an opening statement?</p> <p>6 MR. PRAGER: You may, indeed.</p> <p>7 MR. CHEN: Excuse me, you also asked for legal</p> <p>8 matters beforehand? You did ask for that, Your Honor.</p> <p>9 MR. PRAGER: Yes, I did. I thought you didn't have</p> <p>10 any.</p> <p>11 MR. CHEN: Well, you said you were going to ask for</p> <p>12 --</p> <p>13 MR. PRAGER: All right. You sit down because if</p> <p>14 you're going to be talking in a microphone, you may as well</p> <p>15 be near the microphone.</p> <p>16 MR. CHEN: I don't need it. But that's okay.</p> <p>17 [inaudible] to my opening statement?</p> <p>18 MR. PRAGER: Of course.</p> <p>19 MR. CHEN: Fine. Thank you, very much.</p> <p>20 MR. PRAGER: All right. Mr. Klopman, are we ready?</p> <p>21 MR. KLOPMAN: Yes. I assume I can give my opening</p> <p>22 statement sitting down.</p> <p>23 MR. PRAGER: Yes. Good.</p> <p>24 MR. KLOPMAN: Thank you. May it please Your Honor,</p> <p>25 my name is Benjamin Klopman and I represent Natasha Romano,</p>

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<p>13</p> <p>1 the applicant.</p> <p>2 Ms. Romano has filed her application for conditional</p> <p>3 use permit to allow her to hold yoga classes in her home</p> <p>4 located 12632 Falconbridge Drive, North Potomac, Maryland</p> <p>5 20878.</p> <p>6 I want to make it clear from the outset that as</p> <p>7 reflected on page two of the statement of case filed with her</p> <p>8 application which is exhibit number nine, and in my letter of</p> <p>9 January 31st to the planning board, and in my pre-hearing</p> <p>10 statement which is number 33 in the record, Ms. Romano</p> <p>11 requests a conditional use allowing her to hold six sessions</p> <p>12 a week and up to 10 people, not more than 10 people, up to 10</p> <p>13 people each class, to attend these classes.</p> <p>14 The schedule that's in the application and that's in</p> <p>15 the pre-hearing statement is Mondays, Wednesdays, and</p> <p>16 Fridays, 9:15 a.m. to 10:30 a.m.; Thursdays, 5:00 p.m. to</p> <p>17 6:15 p.m.; Monday evenings, 7:45 p.m. to 9:00 p.m.; and</p> <p>18 Saturday mornings, 8:45 a.m. to 10:00 a.m.</p> <p>19 None of these times conflict with the Jones Lane</p> <p>20 Elementary School, which is a block away, or two blocks --</p> <p>21 it's actually closer to three blocks away. It's off Jones</p> <p>22 Lane.</p> <p>23 But it's -- these classes do not conflict with the</p> <p>24 schedule. Jones Lane starts at 9:00 and it ends at around</p> <p>25 3:00, I believe. The classes are all one hour and 15 minutes</p>	<p>15</p> <p>1 occurs a few minutes before --</p> <p>2 MR. CHEN: Objection again, Your Honor.</p> <p>3 MR. PRAGER: No. The objection is overruled. Go</p> <p>4 ahead. Continue.</p> <p>5 MR. KLOPMAN: The witnesses that are here are going</p> <p>6 to testify that the impact on the neighborhood is limited to</p> <p>7 the few minutes when they pull up and park either in the</p> <p>8 driveway or on the adjacent to the house, go into the yoga</p> <p>9 studio for an hour and 15 minutes, and then leave.</p> <p>10 A few minutes in, a few minutes out. The people that</p> <p>11 attend, the evidence will show that people that attend these,</p> <p>12 or the attendees for the yoga classes, are mostly middle aged</p> <p>13 women. There are some younger people, but they're mostly</p> <p>14 middle aged women. They live in the neighborhood.</p> <p>15 Some of them live in the neighborhood, some of them</p> <p>16 live in the nearby neighborhood. And they come, and they go</p> <p>17 to yoga for an hour 15 minutes in the studio, and then they</p> <p>18 leave.</p> <p>19 The evidence will show that the parking where Ms.</p> <p>20 Romano's house lives, her driveway is very large. Her home</p> <p>21 used to be the model home when the development was built in</p> <p>22 the '80s by Pulte. Where the yoga studio is, is the sales</p> <p>23 office for where Pulte held its sales representatives were</p> <p>24 worked out of there.</p> <p>25 When Ms. Romano bought the house, the evidence will</p>
<p>14</p> <p>1 long.</p> <p>2 The planning board, as you recognized, Your Honor,</p> <p>3 has recommended that the conditional use be approved with the</p> <p>4 change to the 60 -- the limit of being 60 a week.</p> <p>5 And the reason I can explain you how we presented</p> <p>6 that to the planning board and why we're asking you to do the</p> <p>7 same, the only impact --</p> <p>8 MR. CHEN: Objection. If Mr. Klopman is going to</p> <p>9 give factual information, which I'm not objecting to, he</p> <p>10 needs to be sworn as a witness and testify as a witness.</p> <p>11 MR. PRAGER: Well, Mr. Chen, that's not going to</p> <p>12 happen. But Mr. Klopman, I assume you're going to extract</p> <p>13 that from your witnesses, so you don't have to tell me that.</p> <p>14 And what you presented to the planning board is irrelevant at</p> <p>15 this point.</p> <p>16 We have this hearing today. And the planning board</p> <p>17 has made its decision. So it makes no difference to me what</p> <p>18 you told the planning board. They have made their decision in</p> <p>19 this case.</p> <p>20 And I will make the decision based on the record</p> <p>21 this morning and not on anything that may have been said to</p> <p>22 somebody else at some other time.</p> <p>23 MR. KLOPMAN: That's fine, Your Honor. And I</p> <p>24 apologize. I was just trying to make the -- what the evidence</p> <p>25 is going to show today is that the impact on the neighborhood</p>	<p>16</p> <p>1 show in 2001, they built the garage. The evidence will show,</p> <p>2 Your Honor, that Ms. Romano became involved in yoga, she</p> <p>3 became a yoga instructor, and all because of a health issue</p> <p>4 that she had.</p> <p>5 She became very involved in yoga, she found it very</p> <p>6 helpful, she had an injury. Yoga helped her get through the</p> <p>7 injury. And she decided in 2007 to bring the benefits of yoga</p> <p>8 to her friends.</p> <p>9 And she started in this sales office, which Your</p> <p>10 Honor, it's 21 feet by 18 feet --</p> <p>11 MR. PRAGER: Mr. Klopman, all of this is in the</p> <p>12 record. And I, as I said, am fairly familiar with the record.</p> <p>13 And obviously we're going to have testimony. She's going to</p> <p>14 be telling us all of this herself. I'm not quite sure what</p> <p>15 the purpose of reciting all of this is.</p> <p>16 MR. KLOPMAN: All right, Your Honor. Then I'll move</p> <p>17 on to Ms. Romano in a second. I'll close by telling you that</p> <p>18 if you look at the home occupation statute, the zoning</p> <p>19 ordinance, it is fully complied with.</p> <p>20 There is no sale of goods. There is no storage of</p> <p>21 goods. This is really not an expansion as much as it is an</p> <p>22 application to bring her studio or her classes in line with</p> <p>23 the zoning ordinance.</p> <p>24 She started in 2007, it became more popular, and</p> <p>25 then she got a minor home occupation certificate. So</p>

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<p>17</p> <p>1 neighbors who are here today made some complaints about it, 2 did not like that she had this business in her house -- 3 MR. CHEN: Objection. 4 MR. KLOPMAN: Well, that's -- 5 MR. CHEN: Excuse me -- 6 MR. PRAGER: Yes. Go ahead. 7 MR. CHEN: He doesn't speak for my -- for anyone who 8 complained. He can say there were complaints -- 9 MR. PRAGER: If you would just sit down, it'd be 10 easier for -- to capture your voice. 11 MR. KLOPMAN: Your Honor, I'll withdraw that. I'll 12 move on. Thank you. There were some complaints made. The 13 classes were popular. 14 She had some donation classes on Thanksgiving and on 15 other holidays. She raised money for charity. More than five 16 people came on those classes. Most of the pictures you see in 17 the opposition are from those classes. 18 MR. PRAGER: All right. Well, we'll get to those 19 when the exhibits are -- 20 MR. KLOPMAN: I'm sure we will. So the point I'm 21 trying to make, Your Honor, is the application is not really 22 an expansion as much as it is to bring her in line with the 23 zoning ordinance, to comply with the law, to avoid any 24 further violations. 25 Mr. Romano will testify that she has a sign-in</p>	<p>19</p> <p>1 use. 2 And lastly, there is in the notice there was a 3 reference to a parking waiver. And if parking is found to be 4 a problem by Your Honor, for these six, one hour and 15 5 minute classes, we'd ask for a parking waiver. 6 And notice was issued on that. Thank you, Your 7 Honor. 8 MR. PRAGER: All right. Thank you. Are you ready to 9 call your witness? 10 MR. KLOPMAN: Yes, I am, Your Honor. 11 MR. PRAGER: Ms. Romano, would you come up here 12 please? 13 MS. ROMANO: Yes, sir. 14 MR. PRAGER: We'll go off the record. 15 (Off the record.) 16 MR. PRAGER: We're back on the record. Ms. Romano, 17 would you please state your full name? 18 MS. ROMANO: Natasha Niklas Romano. 19 MR. PRAGER: All right. Raise your right hand, 20 please? Do you swear or affirm that you'll tell the truth, 21 the whole truth, and nothing but the truth? 22 MS. ROMANO: Yes, Your Honor. 23 MR. PRAGER: All right. You may lower your hand. Go 24 ahead, Mr. Klopman. 25 MR. KLOPMAN: Thank, Mr. Hearing Examiner. Ms.</p>
<p>18</p> <p>1 sheet, that she is limiting the people that come in, she's 2 committed to abiding by any further -- any conditions that 3 you put on it. 4 The last thing I will say, I've already said it, on 5 the parking on Falconbridge Drive, nobody parks on 6 Falconbridge Drive. Very few people park on Falconbridge 7 Terrace -- 8 MR. CHEN: Objection. 9 MR. KLOPMAN: That's what the evidence is going to 10 show. 11 MR. PRAGER: All right. Let him finish. 12 MR. KLOPMAN: And that there are no traffic problems 13 for these classes. And it is not a disruption to the 14 neighborhood at all. And one of the factors in the mission 15 statement for deciding these cases, as I understand it, is 16 the public interest. 17 And you've seen there are close to 100 people, and 18 there are most of the people here behind me are all either 19 from the neighborhood or people who attend the class who are 20 going to testify to the positive effects that this home use, 21 this home business has had on them and the neighborhood. 22 And it is in the public interest. And I hope that 23 after you hear Ms. Romano and these witnesses that you'll 24 find that there is no adverse effect in the yoga studio, and 25 that it is in the public interest to approve the conditional</p>	<p>20</p> <p>1 Romano, please state your, again, your name and your address. 2 MS. ROMANO: Of course. Natasha Romano, 12632 3 Falconbridge Drive, North Potomac, Maryland. 4 MR. KLOPMAN: And that is your residence; is that 5 correct? 6 MS. ROMANO: Yes, sir. 7 MR. KLOPMAN: Okay. And who lives there with you? 8 MS. ROMANO: My husband, Claude Romano. And my two 9 children, well three children, one's in college. 10 MR. KLOPMAN: Okay. So one's in college and two are 11 now still in the house? 12 MS. ROMANO: Yes, sir. 13 MR. KLOPMAN: What are their ages, please? 14 MS. ROMANO: 19, 16 and 14 -- 15. 15 MR. KLOPMAN: When did you move to 12632 16 Falconbridge Drive? 17 MS. ROMANO: We moved there in 2002. 18 MR. KLOPMAN: And could you please describe your 19 education? 20 MS. ROMANO: I graduated from the University of 21 Maryland with a degree in accounting. I went on to -- I have 22 a career in different areas, financial and technical 23 recruiting. And then I went on to development for a local 24 school. And then I did multiple yoga teacher trainings. 25 MR. KLOPMAN: Okay. Now let's -- how did you get</p>

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<p>21</p> <p>1 involved in yoga?</p> <p>2 MS. ROMANO: After my third child I had an injury in</p> <p>3 my knee. And I found myself feeling lethargic, overweight,</p> <p>4 low in energy.</p> <p>5 And the injury led me to yoga. And then I found the</p> <p>6 effects and benefits of yoga to be so beneficial that other</p> <p>7 people took notice, some people in the neighborhood, some</p> <p>8 friends. And they asked me what I was doing. And I said, you</p> <p>9 know, I'm practicing Yoga.</p> <p>10 And they said, would you show me? And I said, sure.</p> <p>11 And it literally started with one person, two people, and</p> <p>12 then it grew from there.</p> <p>13 MR. KLOPMAN: And you did become a certified yoga</p> <p>14 instructor; is that correct?</p> <p>15 MS. ROMANO: I did.</p> <p>16 MR. KLOPMAN: And what did that involve?</p> <p>17 MS. ROMANO: Oh goodness. I have probably -- well I</p> <p>18 have an ERYT, which means I have over 1,000 hours of teaching</p> <p>19 experience. And that's in addition to three teacher</p> <p>20 trainings. I'm also RYT 500, which means I have 500 hours of</p> <p>21 training. But I have more than that because I [inaudible]</p> <p>22 MR. KLOPMAN: Did you have to take a -- I'm sorry, I</p> <p>23 didn't mean to cut you off. Did you have to take a course to</p> <p>24 begin with?</p> <p>25 MS. ROMANO: Yes.</p>	<p>23</p> <p>1 MS. ROMANO: An hour and 15 minutes.</p> <p>2 MR. KLOPMAN: And where do you have these classes in</p> <p>3 your house?</p> <p>4 MS. ROMANO: So as earlier noted, I bought the model</p> <p>5 home in the neighborhood in the '80s. So when we bought the</p> <p>6 home, we bought the home without a two-car garage. Excuse me.</p> <p>7 The two-car garage was converted into the sales</p> <p>8 office. So we removed our furniture from that room and that's</p> <p>9 where the yoga classes began being held and continue to be</p> <p>10 held.</p> <p>11 MR. KLOPMAN: And that's in 2007 when it started?</p> <p>12 MS. ROMANO: Yes.</p> <p>13 MR. KLOPMAN: Okay. And --</p> <p>14 MR. PRAGER: So let me understand, you started</p> <p>15 having yoga classes in 2007?</p> <p>16 MS. ROMANO: Yes.</p> <p>17 MR. PRAGER: Thank you.</p> <p>18 MR. KLOPMAN: And did it grow in popularity?</p> <p>19 MS. ROMANO: It did. It did.</p> <p>20 MR. KLOPMAN: And typically between 2007, 2016,</p> <p>21 2017, and today, how many people would come to these classes</p> <p>22 most of the time?</p> <p>23 MS. ROMANO: You know, it really varies based on so</p> <p>24 many different factors. It varies on season. It varies on</p> <p>25 people. It really is a community of people that come when</p>
<p>22</p> <p>1 MR. KLOPMAN: How long was that course?</p> <p>2 MS. ROMANO: I took multiple courses, but one of the</p> <p>3 courses took nine months. Two of the courses took about nine</p> <p>4 months.</p> <p>5 MR. KLOPMAN: So from that, how did you start to</p> <p>6 have yoga classes in your home?</p> <p>7 MS. ROMANO: Well, as I said, it started with a few</p> <p>8 friends and neighbors. And then I -- word of mouth, through</p> <p>9 word of mouth, became a few more. It really started with a</p> <p>10 respite to having small children.</p> <p>11 So the classes were outside of school times, they</p> <p>12 were when children went to sleep, that's how Monday evening</p> <p>13 class got started. You put your kids to bed and then you did</p> <p>14 some yoga. You dropped your kids off at school and then you</p> <p>15 went to yoga class.</p> <p>16 MR. KLOPMAN: So the schedule that you're proposing</p> <p>17 in your conditional use, can you say what that is, please?</p> <p>18 MS. ROMANO: Yes. It's Monday, Wednesday, Friday,</p> <p>19 9:15 to 10:30; Thursday, 5:00 to 6:15; and then Saturday,</p> <p>20 8:45 to 10:00 a.m.</p> <p>21 MR. KLOPMAN: And how about Monday nights?</p> <p>22 MS. ROMANO: And Monday evenings, excuse me, 7:45 to</p> <p>23 9:00 p.m.</p> <p>24 MR. KLOPMAN: And all the classes are how long in</p> <p>25 duration?</p>	<p>24</p> <p>1 they're in need.</p> <p>2 They come from stress relief, they come for pain</p> <p>3 relief, they come for community. So, you know, it varies, but</p> <p>4 it varies typically from at times four to six, and then at</p> <p>5 times it's more than that. And that's why we're here today.</p> <p>6 MR. KLOPMAN: Okay. So how big is this room in your</p> <p>7 house?</p> <p>8 MS. ROMANO: It's 21 by 18.</p> <p>9 MR. KLOPMAN: And these classes were held again six</p> <p>10 times a week; correct?</p> <p>11 MS. ROMANO: Yes.</p> <p>12 MR. KLOPMAN: In accordance with the schedule.</p> <p>13 That's what it had up until you filed this application</p> <p>14 anyway.</p> <p>15 MS. ROMANO: Yes.</p> <p>16 MR. KLOPMAN: Okay.</p> <p>17 MS. ROMANO: Yes. I tried to meet the demands of the</p> <p>18 community.</p> <p>19 MR. KLOPMAN: All right. Let's take care of some</p> <p>20 bookkeeping. You're asking for up to how many people be</p> <p>21 allowed for each of these six classes?</p> <p>22 MS. ROMANO: Ten.</p> <p>23 MR. KLOPMAN: Okay. And you're for the schedule that</p> <p>24 we -- that you just proposed, and you just said you had those</p> <p>25 six, one hour and 15 minute sessions.</p>

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<p>25</p> <p>1 MS. ROMANO: Yes.</p> <p>2 MR. KLOPMAN: And of course you're committed to</p> <p>3 abiding by that limitation; correct?</p> <p>4 MS. ROMANO: Yes.</p> <p>5 MR. KLOPMAN: In having these yoga classes, do you</p> <p>6 store any goods on the premises?</p> <p>7 MS. ROMANO: No.</p> <p>8 MR. KLOPMAN: Are there any signs on the premises?</p> <p>9 MS. ROMANO: No.</p> <p>10 MR. KLOPMAN: Do you display any goods on the</p> <p>11 premises?</p> <p>12 MS. ROMANO: No.</p> <p>13 MR. KLOPMAN: You've never ever applied for a</p> <p>14 conditional use application before; have you?</p> <p>15 MS. ROMANO: No, sir.</p> <p>16 MR. KLOPMAN: Why do you have these classes -- is</p> <p>17 the rest of your house, it's about a 3,000 square foot house</p> <p>18 -- pardon me?</p> <p>19 MR. PRAGER: Mr. Klopman, please don't testify.</p> <p>20 MR. KLOPMAN: How big is your house, do you know?</p> <p>21 MS. ROMANO: About I think it's 4,000 square feet.</p> <p>22 I'm not really good with numbers.</p> <p>23 MR. KLOPMAN: The yoga room is only in that one 18</p> <p>24 by 21 foot room in your house.</p> <p>25 MS. ROMANO: Yes.</p>	<p>27</p> <p>1 MS. ROMANO: It is enough to fit five to six cars. I</p> <p>2 think there's a lot of pictures, even from the opposition,</p> <p>3 that shows such.</p> <p>4 MR. KLOPMAN: Can I approach the witness?</p> <p>5 MR. PRAGER: Yes.</p> <p>6 MR. KLOPMAN: Thank you. And Ms. Romano, I'll keep</p> <p>7 my voice up, because I'm not -- let me show you what was</p> <p>8 submitted on February 21st, which I think is exhibit 59A. Is</p> <p>9 that the parking diagram that we submitted?</p> <p>10 MS. ROMANO: Yes. And that's what I have posted for</p> <p>11 everyone to follow.</p> <p>12 MR. KLOPMAN: So this diagram, Your Honor, shows --</p> <p>13 Ms. Romano rather --</p> <p>14 MR. CHEN: Objection.</p> <p>15 MR. KLOPMAN: -- shows how many cars can fit in the</p> <p>16 driveway.</p> <p>17 MS. ROMANO: Five.</p> <p>18 MR. KLOPMAN: And then how many cars can fit on the</p> <p>19 street adjacent to your property on Falconbridge Drive? How</p> <p>20 many --</p> <p>21 MS. ROMANO: Six.</p> <p>22 MR. KLOPMAN: Well, --</p> <p>23 MS. ROMANO: There's six listed, but --</p> <p>24 MR. KLOPMAN: On Falconbridge Drive?</p> <p>25 MS. ROMANO: Oh, on Falconbridge Drive. Excuse me.</p>
<p>26</p> <p>1 MR. KLOPMAN: And the people come in. How do they</p> <p>2 come in?</p> <p>3 MS. ROMANO: There is a separate entrance that leads</p> <p>4 right into the yoga space. I think they're considered French</p> <p>5 doors.</p> <p>6 MR. KLOPMAN: And they come in from your -- where do</p> <p>7 they come in? Where do they park now?</p> <p>8 MS. ROMANO: They park -- there has been a parking</p> <p>9 evolution. And they currently park in my driveway.</p> <p>10 MR. KLOPMAN: And how big is your driveway? Well, we</p> <p>11 submitted a diagram.</p> <p>12 MS. ROMANO: We submitted. Yeah. I don't know the</p> <p>13 exact dimensions. But it's pretty long. And I'm sure, Mr.</p> <p>14 Hearing Examiner, you're familiar or you've seen the diagram.</p> <p>15 MR. KLOPMAN: Your Honor, we submitted a diagram</p> <p>16 with the dimensions that's part of my submission on February</p> <p>17 21st, if you look at 59A, that's the diagram.</p> <p>18 There are also some photographs. Admittedly, I don't</p> <p>19 know if you want me to go over exhibits with the witness that</p> <p>20 are already in the record. I can point to those exhibits.</p> <p>21 MR. PRAGER: Well, if there's something you want to</p> <p>22 have her talk about. Obviously I can read the exhibits myself</p> <p>23 or look at them. But if there's something you want to stress,</p> <p>24 you can ask her about them obviously.</p> <p>25 MR. KLOPMAN: Okay. I'll do that then, Your Honor.</p>	<p>28</p> <p>1 Four.</p> <p>2 MR. KLOPMAN: And on Falconbridge Terrace?</p> <p>3 MS. ROMANO: Two.</p> <p>4 MR. KLOPMAN: And then we've also submitted as 59B,</p> <p>5 we show -- well it's actually part of 59A -- it's a diagram.</p> <p>6 What is that, that shows the dimensions, correct?</p> <p>7 MS. ROMANO: Yes.</p> <p>8 MR. KLOPMAN: And then at 59B there's a picture of</p> <p>9 your house; is that correct?</p> <p>10 MS. ROMANO: Yes.</p> <p>11 MR. KLOPMAN: And it shows your driveway.</p> <p>12 MS. ROMANO: Yes.</p> <p>13 MR. KLOPMAN: And also there's a picture -- and</p> <p>14 these have the dimensions of the -- of your property line</p> <p>15 essentially, where people can park.</p> <p>16 MS. ROMANO: Yes.</p> <p>17 MR. KLOPMAN: And then we've also submitted a</p> <p>18 picture from the planning board, which is page eight of the</p> <p>19 planning board; correct?</p> <p>20 MS. ROMANO: Yes.</p> <p>21 MR. KLOPMAN: And that's -- what does that show?</p> <p>22 MS. ROMANO: that shows the same -- virtually the</p> <p>23 diagram that will follow. So the planning board recommended</p> <p>24 this parking diagram and we are following it.</p> <p>25 MR. KLOPMAN: Thank you.</p>

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<p>29</p> <p>1 MR. PRAGER: Mr. Klopman, what is that exhibit 2 number? 3 MR. KLOPMAN: It's 59 -- I have to go back over here 4 to tell you exactly. It's 59A is the diagram 5 59B are the photographs of Falconbridge Terrace -- 6 or Falconbridge Drive submitted to the planning board. 7 59C is the page from the planning board's staff, 8 which shows Falconbridge Drive as well as Falconbridge 9 Terrace. And it shows 10 cars, five in the driveway, three on 10 Falconbridge Drive, and two on Falconbridge Terrace. Now what 11 have you told your attendees about parking? 12 MS. ROMANO: Again, the parking has evolved. At one 13 time they parked anywhere. And then in an effort to avoid the 14 Huber's residence, we parked elsewhere. And then parking was 15 spread out. 16 We said, let's spread out the parking. So there have 17 been many strategies involved with parking. And to the point 18 where we're following what is recommended by the planning 19 board and works well. 20 So currently the parking is first in my driveway, 21 which usually covers it. And then on Falconbridge Drive 22 abutting my property line. And then third, any other cars go 23 on Falconbridge Terrace. 24 MR. KLOPMAN: Now -- 25 MS. ROMANO: The side of my property.</p>	<p>31</p> <p>1 MS. ROMANO: Well, there was some incidences that 2 some of my students came to me and said they had a run-in 3 with one of my neighbors, Jane Huber. 4 And so I one day approached -- walked over in a kind 5 and peaceful manner, to find out and to try and understand 6 what some of the concerns were. I spoke to Craig Huber. And 7 he said that this had really, quote, gotten under her skin. 8 And Jane Huber came out and very aggressively, and 9 hot, and in a very hostile way, spoke to me. And, you know, 10 said a lot of different things. And I took note of trying to 11 understand what might have bothered her. 12 I apologize profusely for any inconvenience. I 13 offered her yoga classes. I said, you know, let me see -- I'd 14 like to work with you, let me see what I can do. And there 15 were a few things that I just came back with. 16 One of them was, you know, I should be home with my 17 children. What gives me the right to run a business out of my 18 home? 19 MR. KLOPMAN: What are these things that you're 20 saying? 21 MS. ROMANO: These are things that Jane Huber said 22 to me. 23 MR. KLOPMAN: Okay. Go ahead. 24 MS. ROMANO: She admitted to complaining to the 25 county and threatened to continue to do so.</p>
<p>30</p> <p>1 MR. KLOPMAN: So for the typical class, not a 2 donation class which we're going to explain in a second, not 3 a special class where you're talking about health issues, on 4 the typical class who are the people that are attending these 5 classes? 6 MS. ROMANO: Mostly middle aged women, but not 7 exclusively. We have more and more men. And some of them will 8 be testifying today. It's all ages. I have taught to -- I 9 really try to meet the demands of my community. 10 I'm involved in my community heavily. I try to meet 11 their demands. So there have been some instances where I 12 taught to children, my own children, my children and their 13 friends, my friends, middle aged women, retirees. It's really 14 all ages. 15 MR. KLOPMAN: And typically, on the typical -- 16 MS. ROMANO: [inaudible] 17 MR. KLOPMAN: Let's talk about just the typical 18 daytime class. How many people come into these classes? 19 MS. ROMANO: Four to six. Sometimes more. 20 MR. KLOPMAN: And because of the sometimes more, 21 okay, that's why we're here; correct? 22 MS. ROMANO: Yes. 23 MR. KLOPMAN: Okay. Because what happened that 24 caused you to have to file for this conditional use 25 application?</p>	<p>32</p> <p>1 MR. KLOPMAN: And this was when, to the best of your 2 memory? 3 MS. ROMANO: Somewhere around January, February, 4 2017. 5 MR. KLOPMAN: And did that prompt you to -- what did 6 you do in response to this? 7 MS. ROMANO: Well, after she left, I spoke with -- I 8 continued my conversation with Craig Huber. 9 And that's when he said, you know, this has really 10 gotten under her skin. And I asked Craig if there was 11 anything I could do to maintain a peaceful environment. I 12 teach mindfulness, I teach ways of peaceful living. 13 I want to be in peace with my neighbors. And he 14 pointed to some leaves and he said, well [inaudible] look at 15 that. And then if you could clean them up. And also stated in 16 derogatory tone, I don't know where you come from, but you 17 know, here we put our trashcans in such a manner. 18 And I complied. I complied that day. I picked up 19 whatever leaves, I moved the trashcans. And then following 20 the incident is when I instructed all the participants to 21 just avoid her house completely. 22 Let's respect her. Yes, I know we are legal to park 23 on the curb. Yes, I know it's nothing we're doing illegal. 24 But I said, let's just avoid it. And so we did that. 25 And then I also added a note on my website</p>

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<p>33</p> <p>1 instructing everyone to be mindful that this is a residential 2 community, that please drive slowly, that sort of thing. 3 Somewhere there's a note of that. 4 MR. KLOPMAN: On your website? 5 MS. ROMANO: Yes. I moved classes, I've adjusted 6 classes. There was a period of time where I really had to 7 manage community need with surveillance. And then the parking 8 layout has evolved to what is recommended by the planning 9 board and approved by EMS, emergency medical services. 10 MR. KLOPMAN: That's what the -- how did you find 11 that out? 12 MS. ROMANO: Through this process and through the 13 conditional use process. 14 MR. KLOPMAN: Your Honor, I have something from her 15 website that's not in the record. Can I present that? Or is 16 there -- it's a -- 17 MR. PRAGER: You can show it to Mr. Chen. 18 MS. ROMANO: I have witness testimony will -- 19 MR. KLOPMAN: Any objection? 20 MR. CHEN: No. 21 MR. KLOPMAN: I think the next exhibit -- 22 MR. PRAGER: Mr. Klopman, why wasn't this produced 23 earlier? 24 MR. KLOPMAN: I didn't have it earlier. 25 MR. PRAGER: Pardon?</p>	<p>35</p> <p>1 the use of neighbor's driveway to turn around. 2 Feel free to park in the driveway. Overflow parking 3 along property curbside only on Falconbridge Drive and 4 Terrace. Please exercise consideration to through traffic. 5 MR. PRAGER: Mr. Klopman, would you kindly let me 6 look at this? 7 MR. KLOPMAN: I was going to have a sticker put on 8 it. 9 MR. PRAGER: I'll deal with that. 10 MR. KLOPMAN: Okay. 11 MS. ROMANO: In addition to that -- 12 MR. PRAGER: Ms. Romano? 13 MS. ROMANO: Yes. 14 MR. PRAGER: Just clarify something for me. This 15 says the Warrior One Home Studio classes at 4:45 p.m. on 16 Thursdays and Saturdays at 9:00 a.m. It doesn't anything 17 about your other classes. Have you given them the same sort 18 of notice? 19 MS. ROMANO: Oh yes. Everyone has received that 20 notice. I was going to add that most of the students, most of 21 the people that come are regulars. So they've been through 22 the process. 23 They've heard me talk about parking. They've heard 24 me talk about the situation. And new students have to sign up 25 in advance. This is a process that has evolved. And they are</p>
<p>34</p> <p>1 MR. KLOPMAN: I didn't have it earlier. I just got 2 it. You know, Your Honor, we -- 3 MR. PRAGER: This has been pending for quite some 4 time. 5 MR. KLOPMAN: I understand. I'm just verifying the 6 testimony with what's on her website. 7 MR. PRAGER: How many other -- how much more new 8 evidence do you intend to present? 9 MR. KLOPMAN: I don't think there's one or two other 10 things. I think most everything is in the record. 11 I mean, I just was showing this to verify that she 12 did put things in her website about parking with the use of 13 the neighbor's driveway to turn around. That's all. I mean, 14 it's just verifying what she's testifying to. 15 MR. PRAGER: All right. You may show it to her. 16 MR. KLOPMAN: I'm sorry. It would be 66. 17 MR. PRAGER: You anticipated me because it hasn't 18 been in -- presented yet. Show it to her first, please. 19 MR. KLOPMAN: Ms. Romano, can you identify what this 20 is marked as or will be marked as exhibit 66? 21 MS. ROMANO: Yes. 22 MR. KLOPMAN: And what is that? 23 MS. ROMANO: It is from my website. It says 24 locations and contact us. And under the [inaudible] studio, 25 it says this is a home business. When parking please avoid</p>	<p>36</p> <p>1 also given notice and are aware of the parking layout and 2 strategy. 3 MR. KLOPMAN: Your Honor, if I can ask her a couple 4 questions about this. This is from your current -- 5 MS. ROMANO: Yes. 6 MR. KLOPMAN: This is from your current website; 7 correct? 8 MS. ROMANO: Yes. 9 MR. KLOPMAN: This refers to other classes because 10 of why we're here; correct? 11 MS. ROMANO: Yes. 12 MR. KLOPMAN: Okay. This note about parking, it 13 would be on your website -- 14 MR. PRAGER: Mr. Klopman, don't testify. 15 MR. KLOPMAN: I didn't mean to testify. I'm just 16 trying to be -- get her to -- let me rephrase it. Okay. I'm 17 going to take a deep breath and rephrase. Once you filed the 18 conditional use application in November, what did you do in 19 terms of your classes in your house? 20 MS. ROMANO: I moved -- there was a period of time 21 where I was looking for -- I was [inaudible] solutions. I was 22 faced with really trying to meet community need. As I said 23 earlier, I have people that relied on me for the pain relief. 24 It might be physical, it might be [inaudible]. 25 And they come to me for really through yoga. So I</p>

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<p>37</p> <p>1 felt a responsibility to a lot of people that were coming to 2 my home studio. And it made it very difficult to limit my 3 classes, especially as it was slowly growing. 4 And once there was a surveillance placed, there was 5 a period of time where I had to balance and find strategies 6 to manage the community need with the surveillance that I was 7 under. So classes were moved. 8 MR. KLOPMAN: And the times -- how about the 9 schedule, was that changed? 10 MS. ROMANO: No. 11 MR. KLOPMAN: Well, I'm -- as reflected on here. 12 MS. ROMANO: Yes, yes, yes. The class schedule was 13 changed. And the class schedule changes, has changed over the 14 time to meet community need. 15 MR. KLOPMAN: But the class schedule that you're 16 committed to is the one in the application; correct? 17 MS. ROMANO: Yes. 18 MR. KLOPMAN: Thank you. Now you've talked -- when 19 do you have high attendance for your classes? 20 MS. ROMANO: Typically they are donation classes. 21 There's a handful of classes that I hold throughout the year 22 that become very popular. Thanksgiving morning is one, but 23 then [inaudible]. 24 MR. KLOPMAN: Explain what you mean by that? What do 25 you mean?</p>	<p>39</p> <p>1 with that schedule. Is that correct, Ms. Romano? 2 MR. CHEN: Excuse me. We're under objection. Now, 3 Mr. Examiner, they mentioned donation classes. In fact, 4 they've mentioned that they are greater in numbers of 5 attendees at 10. 6 MR. PRAGER: Mr. Chen, I don't want to interrupt, 7 but you're going to be able to bring up that evidence and 8 also your cross-examination. 9 From what I understand at the moment, is that the 10 testimony is that these things called donation classes occur 11 during the regular scheduled classes. 12 And apparently the proceeds of that, instead of 13 going to Ms. Romano, apparently at least part of them go 14 elsewhere. Is that correct, Ms. Romano? 15 MS. ROMANO: Yes, Your Honor. I can clarify -- 16 MR. PRAGER: And as to -- I'm assuming -- well I'm 17 not going to assume anything at the moment. Mr. Klopman, you 18 may continue. 19 MR. KLOPMAN: Thank you, Your Honor. 20 MR. PRAGER: Whatever objection there was from Mr. 21 Chen is overruled. 22 MR. KLOPMAN: Thank you, Your Honor. 23 MS. ROMANO: I'd like to speak to the donation -- 24 MR. PRAGER: Wait till you're asked. 25 MS. ROMANO: Okay.</p>
<p>38</p> <p>1 MS. ROMANO: Sure. So proceeds all go to a charity - 2 - 3 MR. CHEN: Objection. Excuse me. The application 4 isn't asking for donation classes. A schedule is a schedule 5 that has been given. We've heard both counsel testifying as 6 to what is a schedule. 7 It's in the writing. We've had the witness testify. 8 Donation classes are not listed in the -- now if they want to 9 amend, I guess at the hearing, you can hear it. 10 But repeatedly in this case so far, including the 11 testimony of counsel and the witness, that the only classes 12 that there will be are those classes -- I can read them again 13 to you -- but there has been nothing in the application, at 14 least I've heard so far, about anything other than the 15 classes that have been itemized. 16 MR. KLOPMAN: Your Honor -- 17 MR. PRAGER: Mr. Klopman? 18 MR. KLOPMAN: In the pre-hearing statement that I 19 filed, it refers to the donation classes. We're not -- 20 they're not different classes. Those classes are held in 21 accordance with the schedule. The Thanksgiving one was on 22 Thursday morning at the time indicated, 9:15 to 10:30. 23 One hour and 15 minute class on Thanksgiving morning 24 was on that Thursday, was a donation class. They're not two 25 subsets of classes. The donation classes occur in accordance</p>	<p>40</p> <p>1 MR. KLOPMAN: You've looked through the opposition 2 packet; correct? A lot of the pictures that were taken by the 3 opposition, when were they taken? 4 MS. ROMANO: They were either a combination of a 5 donation class or a specialty class. 6 MR. KLOPMAN: And what's a specialty class? 7 MS. ROMANO: Bringing some specialized information 8 to the needs of the community. 9 MR. KLOPMAN: What kind of information? 10 MS. ROMANO: Yoga for brain health is an example. 11 MR. KLOPMAN: That was one of the pictures. There 12 was a high attendance rate for that. 13 MS. ROMANO: Absolutely. Also pictures that are 14 posted, I frequently post pictures that aren't timed. I use 15 different pictures for different reasons for marketing. 16 MR. KLOPMAN: When you say post, you're talking 17 about on your website? 18 MS. ROMANO: Yeah. On my website or on social media. 19 I'll frequent post a picture that -- 20 MR. KLOPMAN: Why did you ask for up to 10 for these 21 six classes, for 10 people to be able to attend? 22 MS. ROMANO: For a variety of reasons. I do like to 23 give back to the community. I'm heavily involved in the 24 community. I'm involved in -- I have been over the last 10 25 years been involved in my children's schools, the Jones Lane</p>

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<p style="text-align: right;">41</p> <p>1 Elementary School, Ridgeview Middle School, and Quince 2 Orchard High School. 3 I routinely donate to their silent auctions. I 4 routinely take -- offer free yoga classes to groups, like the 5 Potomac Chase Women's Club. And that bumps up the numbers. So 6 if I offer a free class to someone, then the regular four to 7 six then can become eight or nine. So that's one reason for 8 that. 9 Another reason is for the handful of times 10 throughout the year that I have a donation class. And I can 11 list those. It's a Monday for Memorial Day, I usually donate 12 to the Wounded Warriors. 13 I've donated to Pulmonary Fibrosis Association. I've 14 donated to breast cancer. I try and support the community. So 15 I do it that way. And then the other way is through some of 16 the specialty classes. 17 Jane Stelbourn is a neighbor who has come over to 18 present her findings on yoga for brain health and how it's 19 effective in the prevention of dementia and Alzheimer's. And 20 that's very pertinent to our community. And a lot of people 21 want to hear about it. 22 MR. KLOPMAN: And those classes, are they held on 23 the schedule that we've -- what you've requested here? 24 MS. ROMANO: Not always in the past. But in the 25 future that's what we're -- that's why we're applying.</p>	<p style="text-align: right;">43</p> <p>1 make sure that 10 people, no more than people attend any 2 class that you have? 3 MS. ROMANO: Yes. 4 MR. KLOPMAN: Now when you got a -- you've received 5 a notice of violation in 2017 and that led you to get the 6 minor home occupation; is that correct? 7 MS. ROMANO: Yes, yes. 8 MR. KLOPMAN: And then tell us the progression of 9 how you decided to file this conditional use application. 10 MS. ROMANO: Well, it started in the home occupation 11 license. And then there was incident where the Hubers -- 12 MR. KLOPMAN: You talked about that. And then you -- 13 MS. ROMANO: And then there was another incident 14 with the Hubers. And I received another visit from Andy Jacob 15 -- 16 MR. KLOPMAN: Who is he, having said who he is? 17 MS. ROMANO: Andy Jacob is the enforcement officer 18 for home occupation, who's very pleasant, and worked with me. 19 MR. KLOPMAN: What were your conversations with him? 20 MS. ROMANO: They were -- 21 MR. CHEN: Object- -- I withdraw the objection. It's 22 hearsay, but -- 23 MR. KLOPMAN: It's hearsay, but I understand in the 24 rules that hearsay -- 25 MR. PRAGER: Hearsay is permissible. Go ahead.</p>
<p style="text-align: right;">42</p> <p>1 MR. KLOPMAN: That's what you're committed to. 2 MS. ROMANO: That's what I'm committed. That's what 3 we're going for -- 4 MR. KLOPMAN: And to ensure the number is in 5 compliance with the conditional use application, what have 6 you done to make sure that the number will not exceed 10? 7 MS. ROMANO: Well, now we have a sign up situation. 8 It wasn't always the case. And we've also changed -- just the 9 whole signup process has changed. 10 MR. KLOPMAN: Can you explain it? 11 MS. ROMANO: It used to be people could just come 12 whenever they wanted, whenever they were free. But as small 13 businesses grow, we experience growing pains and change in 14 the way we do things. 15 So, you know, our community is committed to the 16 benefits that they receive through this class. And it is a 17 benefit to the community. So they want to work with whatever 18 guidelines we have to work with. And they've been doing that. 19 But it's been a process. 20 MR. PRAGER: Mr. Klopman asked you a question which 21 you didn't answer. What is the signup procedure? 22 MS. ROMANO: Oh they sign up in advance through a 23 software system. And there's a cutoff. And then a waitlist. 24 MR. PRAGER: All right. Thank you. 25 MR. KLOPMAN: And you're committed to do that to</p>	<p style="text-align: right;">44</p> <p>1 MS. ROMANO: Okay. He was working with me. He didn't 2 really see it to be that much of a problem. 3 He said, get your license, gave me the limitations. 4 He said, you know, he said, you know, really it boils down to 5 if there's anyone that chooses to make a complaint through 6 the county. 7 So, you know, I reached out to the neighbor that had 8 already threatened to complain. And I wasn't getting 9 anywhere. So that's when eventually I sought counsel and 10 tried through counsel see if I could get some peaceful 11 resolution. 12 MR. KLOPMAN: And that counsel was -- 13 MS. ROMANO: Was you. 14 MR. KLOPMAN: Was me. And I sent some letters; 15 correct? 16 MS. ROMANO: Yes. 17 MR. PRAGER: Again -- 18 MR. KLOPMAN: I'm just trying to advance the ball. 19 What happened after you hired me? 20 MS. ROMANO: Yeah. So I was just really trying to 21 understand what I could do to maintain a peaceful 22 environment, and maintain my business, and serve the 23 community. 24 So Mr. Klopman wrote a letter asking for -- to help 25 us please understand any requests, anything that I could do</p>

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<p>45</p> <p>1 to maintain a peaceful environment. 2 MR. KLOPMAN: And what response did you receive? 3 MS. ROMANO: None. 4 MR. KLOPMAN: What then did you decide to do in 5 terms of this proceeding? 6 MS. ROMANO: Apply for a conditional use. 7 MR. KLOPMAN: And did you do that? 8 MS. ROMANO: Yes. 9 MR. KLOPMAN: And in terms of that, what did we do 10 in connection with the homeowner's association? 11 MS. ROMANO: Well, we had a -- 12 MR. KLOPMAN: Before this year, in the summer of 13 2018, what did you ask me to do? 14 MS. ROMANO: I asked you to help me through the 15 conditional use process. And as part of that process go to 16 the homeowner's association to make sure that they were on 17 board. 18 MR. KLOPMAN: And in July -- 19 MR. PRAGER: Let me understand. There is a letter 20 from the homeowner's association. Your house and all of your 21 neighbors' houses are part of that association; is that 22 correct? 23 MS. ROMANO: Yes, yes. And it was quite a large 24 turnout at the homeowners' association. 25 MR. PRAGER: Thank you.</p>	<p>47</p> <p>1 MR. KLOPMAN: Yeah. Thank you. I'm wrapping up, Your 2 Honor. Have you ever -- in your application were you ever 3 seeking to have up to 12 people attend these classes? 4 MS. ROMANO: No. 5 MR. KLOPMAN: Or 20 people a day, each day attending 6 your classes? 7 MS. ROMANO: No. 8 MR. KLOPMAN: You've seen that in various writings 9 and you've heard that, you attended a homeowners' association 10 meeting; correct? 11 MS. ROMANO: Mm-hmm. 12 MR. KLOPMAN: And that was in January; correct? 13 MS. ROMANO: Yes, yes. 14 MR. KLOPMAN: After that homeowners' association 15 meeting is when we got the letter from David Gardner and 16 that's part of the file -- 17 MS. ROMANO: Yes. 18 MR. KLOPMAN: -- that I just referred to, exhibit 19 29. And I was at -- who was at that homeowners' association 20 meeting? 21 MS. ROMANO: You were there. There was, oh, gosh, 22 40, 50 people there maybe. It was a large representation for 23 a homeowners' association meeting. 24 MR. KLOPMAN: And we learned there that there was 25 some misunderstanding.</p>
<p>46</p> <p>1 MR. KLOPMAN: And that's -- that letter, Your Honor, 2 is a letter -- it's number 29, it's exhibit 29. Pardon me. 3 Let me make sure that's right. Yes. That's exhibit 29. But 4 before we actually even did that, we asked for the -- did I 5 write a letter in the summer of 2018? 6 MS. ROMANO: Yes, yes. 7 MR. KLOPMAN: And what happened? 8 MS. ROMANO: So there was a letter written to the 9 homeowners' association for this process, so that we would 10 get their approval. 11 MR. KLOPMAN: And after you received that, then in 12 November you filed for this application? 13 MS. ROMANO: Yes, yes. 14 MR. KLOPMAN: What did you do -- I just want to make 15 it clear that once you filed the application, you've already 16 testified to this to a certain degree, but after that did you 17 change what was going on in the home studio, in the home -- 18 MS. ROMANO: Yes, yes. 19 MR. KLOPMAN: To make room in your house. 20 MS. ROMANO: Yes. It was a process. And yes. 21 MR. KLOPMAN: Okay. So the classes are -- since 22 November to now haven't been in accordance with that 23 schedule. 24 MS. ROMANO: No, no, no. I completely changed the 25 schedule around to accommodate and comply.</p>	<p>48</p> <p>1 MS. ROMANO: Yes. There was a letter that was 2 circulated with false information. And it was also circulated 3 on social media. 4 MR. KLOPMAN: And I just want to make it clear, what 5 we're asking for are -- is a schedule you've already 6 testified to; correct? 7 MS. ROMANO: Yes. 8 MR. KLOPMAN: Up to 10 people a class; correct? 9 MS. ROMANO: Yes, yes. The studio space really 10 doesn't hold that much more. If we are -- depends what we're 11 doing. If you're moving around a lot, then it's pretty tight. 12 If you're sitting in meditation, which the yoga for 13 health largely is with the specialized meditation, then we 14 can fit a little bit more. But that's not my intention. 15 MR. KLOPMAN: What was your intention in filing this 16 conditional use application? 17 MS. ROMANO: To comply. To comply and to serve the 18 community. Like I said, I'm very much tied to our community. 19 MR. KLOPMAN: Okay. So let's talk about the traffic 20 on Falconbridge Drive. You've lived there since 2001; 21 correct? 22 MS. ROMANO: Yes. 23 MR. KLOPMAN: The houses in this community are what 24 type of houses? 25 MS. ROMANO: Well, they're I guess Colonial houses.</p>

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13 (49 to 52)

<p>49</p> <p>1 MR. KLOPMAN: And they're what kind of -- do they 2 have garages? 3 MS. ROMANO: Yes, yes. There's two-car garages. Each 4 car or each house has a two-car garage with a driveway. 5 MR. KLOPMAN: Let's talk about parking on 6 Falconbridge Drive during Mondays, Wednesdays, Fridays, and 7 Saturday mornings. 8 MS. ROMANO: There's no one on those streets. 9 MR. KLOPMAN: There's no -- are there any cars 10 parked on the streets during those days? 11 MS. ROMANO: Not really. There might be one or two. 12 It depends. It's usually frankly from Huber's residence. 13 MR. KLOPMAN: How about on Falconbridge Terrace? Are 14 there cars parked on Falconbridge Terrace during those hours, 15 during the day? 16 MS. ROMANO: Yeah. I think there's one. It's not -- 17 it's pretty empty. 18 MR. KLOPMAN: And is that true for the Thursday 19 afternoon, late afternoon class? 20 MS. ROMANO: Yes, sir. 21 MR. KLOPMAN: And for the Monday night class, is 22 that true also? 23 MS. ROMANO: Yes. 24 MR. KLOPMAN: What have you asked your people -- the 25 people, excuse me. What have you asked the students or</p>	<p>51</p> <p>1 from the street? 2 MS. ROMANO: I don't know how many yards. But it's a 3 pretty big distance from my house to say the curb on the 4 other side of the street. I think it'd be really hard to hear 5 any of our music. And we don't play music that's loud. 6 MR. KLOPMAN: How about the doors of the studio? 7 Tell us, are they closed, are they open? 8 MS. ROMANO: They're closed. But on nice weather 9 days we do open them up. And that was actually one of the 10 points made by the homeowners' association that they wanted 11 specifically to put in that, yes, I could have the doors open 12 during classes. 13 MR. KLOPMAN: Now Falconbridge Terrace on your side, 14 there's a cul de sac; is that correct? 15 MS. ROMANO: Yes, sir. 16 MR. KLOPMAN: Okay. And there was a neighbor, Ms. 17 Rubery [ph]; is that correct? 18 MS. ROMANO: Yes. 19 MR. KLOPMAN: And she lives on the cul de sac; 20 correct? 21 MS. ROMANO: Yes. 22 MR. KLOPMAN: And then she complained to you about 23 the parking; correct? 24 MS. ROMANO: She did. During the parking evolution, 25 as I said, there was a time where in an effort to completely</p>
<p>50</p> <p>1 attendees about doing about -- making any special 2 arrangements like ride share, carpool -- 3 MS. ROMANO: Yeah. Thank you for asking that 4 question. Several of my witnesses will attest to the fact 5 that they either ride a bicycle or walk, weather permitting, 6 or carpool. 7 MR. KLOPMAN: How about do any of your students ride 8 their bike? 9 MS. ROMANO: Yes. 10 MR. KLOPMAN: Are the yoga classes only in the yoga 11 room or the yoga studio? 12 MS. ROMANO: Yes. 13 MR. KLOPMAN: So they're all inside; correct? 14 MS. ROMANO: Yes. 15 MR. KLOPMAN: Is there any music played? 16 MS. ROMANO: Yes. It's mellow music. It's not loud. 17 MR. KLOPMAN: Okay. Has anyone ever complained to 18 you about music or noise from the yoga studio? 19 MS. ROMANO: Never. 20 MR. KLOPMAN: Okay. And in fact the house, per the 21 pictures in the file, I think it's exhibit five -- 22 MR. PRAGER: Mr. Klopman, you're treading dangerous 23 territory. 24 MR. KLOPMAN: Okay. I'm just going to ask, what do 25 those pictures show in terms of how far away the house is</p>	<p>52</p> <p>1 avoid the Huber's home, everyone parked just anywhere else, 2 but anywhere near her home. 3 And more cars were then parking on Falconbridge 4 Terrace. Once I was made aware of that, I asked everyone to 5 please not do that. And it was in that time Mrs. Rubery 6 brought it to my attention. And I immediately did something 7 about it, corrected it. 8 MR. KLOPMAN: And Ms. Rubery has filed a letter of 9 support; correct? 10 MS. ROMANO: She has. She has since at the HOA 11 meeting, she spoke up rather emphatically that, yeah, there 12 was a problem, but it was addressed, and that she didn't see 13 a problem, and she supports the application. And there's a 14 follow up letter also [inaudible] 15 MR. KLOPMAN: Your Honor, that's been submitted as 16 59E, a part of one of those letters is from Ms. Rubery, which 17 she indicates that she supports the application, and verifies 18 that her concerns were addressed by Ms. Romano. 19 MR. PRAGER: Which exhibit is this? 20 MR. KLOPMAN: It's part of my submission on February 21 21st and it's 59E. And Ms. Romano, let me show you what's 22 been submitted at 59F. 23 MS. ROMANO: Okay. 24 MR. KLOPMAN: It's already part of the record. 25 MS. ROMANO: [inaudible] witness testimony backing</p>

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<p>53</p> <p>1 this up. 2 MR. KLOPMAN: This is a list of -- 59F is a list of 3 the supporters; is that correct? 4 MS. ROMANO: Yes. 5 MR. KLOPMAN: And there's 82 on this list? 6 MS. ROMANO: Yeah. I have an updated list that goes 7 up to 88. It was ongoing and quite a labor of -- quite 8 intensive labor, but -- 9 MR. KLOPMAN: Let's just work with 59F since that's 10 what's in the record. 11 MS. ROMANO: Okay. 12 MR. KLOPMAN: Many of these people, are they or are 13 they not your neighbors? 14 MS. ROMANO: Yes. They start with the abutting 15 neighbors and then go down kind of. I tried the best I could 16 to do it this way. So -- 17 MR. KLOPMAN: Close and then out. 18 MS. ROMANO: Close and then out. Yeah. 19 MR. KLOPMAN: Thank you. Why do you believe the home 20 yoga studio is important to the Fox Hills North community and 21 surrounding community? 22 MS. ROMANO: Oh goodness. You know, just looking out 23 at this venue here, I'm looking out at a lot of faces, a lot 24 of faces I recognize. I think the majority of this room is 25 the community, is the Warrior One community.</p>	<p>55</p> <p>1 setting. 2 So that's why we're here. And I believe Montgomery 3 County supports small based businesses run by women and 4 minorities, and trying to make some home based solutions. 5 MR. KLOPMAN: Thank you, Ms. Romano. That's all I 6 have. I believe Mr. Chen might have some questions. 7 MS. ROMANO: Okay. 8 MR. PRAGER: Mr. Chen? 9 MR. CHEN: Thank you, Your Honor. 10 MS. ROMANO: Mr. Chen, may I get some water first? 11 MR. KLOPMAN: I'll get it. 12 MS. ROMANO: Thank you. 13 MR. CHEN: Ma'am, you've mentioned several times 14 complaints; is that right? 15 MS. ROMANO: Yes. 16 MR. CHEN: Is that correct; ma'am? 17 MS. ROMANO: That I've mentioned them? 18 MR. CHEN: Yes. 19 MR. PRAGER: Mr. Chen, stay seated please. 20 MR. CHEN: Oh, I'm sorry. You've mentioned in your 21 testimony that there have been complaints; isn't that 22 correct? 23 MS. ROMANO: Yes. I have [inaudible] interactions, 24 yes. 25 MR. CHEN: Okay. And are you saying that they were</p>
<p>54</p> <p>1 And I'm here, I'm fighting for -- there was a time 2 where I wasn't going to do this. It was too much effort. But 3 I'm doing it for them. I really am. I'm looking at those 4 faces. And they mean everything to me. 5 They really do. I've said this before. I've even 6 thought of just folding my business and doing it for free. 7 But actually it was Andy Jacob, the enforcement 8 officer, that encouraged me not to do that, to apply for the 9 conditional use. And he encouraged me to not give up. He 10 said, no, you can do this. 11 So here I am. Gosh, what it means. There's -- it 12 means so much. It's a community of people. It is a community 13 within a community. 14 MR. KLOPMAN: So to the people who say, well why the 15 home studio? Why -- 16 MS. ROMANO: Yeah. 17 MR. KLOPMAN: Do you believe -- what are the 18 benefits of it being in your home as opposed to -- 19 MS. ROMANO: That's really the appeal, I think. And 20 that's why you see so many faces here because they don't want 21 to go to a strip mall. They don't want to go to a congested 22 area. They want to go to a home place. 23 The mission of Warrior One Yoga is empowering yoga 24 for everybody, offering a personalized yoga experience. And a 25 personalized yoga experience can only happen in a small group</p>	<p>56</p> <p>1 not meritorious complaints? 2 MS. ROMANO: Explain what you mean by meritorious. 3 MR. CHEN: They were not valid. They didn't have a 4 basis. That they were wrongfully complained about something. 5 MS. ROMANO: You know, I'm sure they feel like they 6 have a basis. I don't fault them for it because it brought me 7 to where I am here. 8 MR. CHEN: Well, by the same token however, they 9 were complaints because you were violating the authorizations 10 that you had for conditional use; is that right? 11 MR. KLOPMAN: Objection. He's talk -- I mean, he's - 12 - how is she supposed to know why the people made their 13 complaints? 14 MR. CHEN: No. I'm not. 15 MR. KLOPMAN: I thought that's what you asked. 16 MR. PRAGER: No. He's asking questions. We know that 17 complaints were investigated. We know that there's a cease 18 and desist order by the district court. So Mr. Chen, you can 19 continue your line of questioning. 20 MR. CHEN: Thank you, Your Honor. And as the 21 Examiner just said, there were complaints; isn't that 22 correct? 23 MS. ROMANO: Yes. 24 MR. CHEN: And they were complaints because you had 25 violated the limitations of the conditional use</p>

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15 (57 to 60)

<p>57</p> <p>1 authorizations that you had; isn't that correct?</p> <p>2 MS. ROMANO: That is correct.</p> <p>3 MR. CHEN: Okay --</p> <p>4 MS. ROMANO: My understanding from Mr. Jacob and</p> <p>5 Barbara Cox, the enforcement officers, is that this is the</p> <p>6 standard trajectory for small businesses that are growing.</p> <p>7 There's many conditional uses that are granted out of very</p> <p>8 similar circumstances.</p> <p>9 MR. CHEN: I understand you're telling us what they</p> <p>10 have said to you. And they're not here. I understand that.</p> <p>11 But the point is there were complaints about your operations.</p> <p>12 And they were meritorious complaints; isn't that correct?</p> <p>13 MS. ROMANO: Very standard trajectory for small</p> <p>14 growing businesses.</p> <p>15 MR. CHEN: Yes. And Mr. Jacobs was -- Your Honor,</p> <p>16 may I approach the witness with an exhibit?</p> <p>17 MR. PRAGER: Yes. Well, you approach the witness</p> <p>18 after showing it to Mr. Klopman.</p> <p>19 MR. CHEN: Okay. Now you've also told us that Mr.</p> <p>20 Jacobs, I believe, told you what to do and to help</p> <p>21 [inaudible]</p> <p>22 MS. ROMANO: He guided me along this way, along this</p> <p>23 process, to a certain point.</p> <p>24 MR. CHEN: Now the county took you to court; isn't</p> <p>25 that right?</p>	<p>59</p> <p>1 that you were supposed to stop your operations that were in</p> <p>2 violation of the conditional use limitations as of that</p> <p>3 order?</p> <p>4 MS. ROMANO: Yes.</p> <p>5 MR. KLOPMAN: Actually the defendant's trial</p> <p>6 summary, if I can object --</p> <p>7 MR. PRAGER: Just a moment. What is it, Mr. Klopman?</p> <p>8 MR. KLOPMAN: I just don't think that it's an</p> <p>9 accurate statement.</p> <p>10 MR. PRAGER: I read the decision. So Mr. Chen, you</p> <p>11 can continue.</p> <p>12 MR. CHEN: Thank you. Now isn't it a fact that the</p> <p>13 order for abatement is a result of a citation from the</p> <p>14 Department of Permitting Services; isn't that correct?</p> <p>15 MS. ROMANO: Yes. It's part of the process that I</p> <p>16 had to go through, and why frankly I'm asking for a</p> <p>17 conditional use permit of 10 to 60 a week, as recommended by</p> <p>18 the planning board.</p> <p>19 MR. CHEN: May I approach?</p> <p>20 MR. PRAGER: Yes.</p> <p>21 MR. CHEN: Ma'am, I'd like to show you the citation.</p> <p>22 MR. PRAGER: Let's go off the record for a moment.</p> <p>23 (Off the record.)</p> <p>24 MR. PRAGER: We're back on the record. Have you seen</p> <p>25 what Mr. Chen has shown you?</p>
<p>58</p> <p>1 MS. ROMANO: No.</p> <p>2 MR. CHEN: Oh?</p> <p>3 MS. ROMANO: I never went to court.</p> <p>4 MR. CHEN: That's not the question. Are you aware</p> <p>5 that you were a defendant in a lawsuit filed by the county in</p> <p>6 district court?</p> <p>7 MS. ROMANO: Yes.</p> <p>8 MR. KLOPMAN: Objection. It's not a lawsuit. It's a</p> <p>9 civil citation. I mean, there's quite a difference.</p> <p>10 MR. CHEN: Excuse me. It's a lawsuit.</p> <p>11 [talking over each other]</p> <p>12 MR. PRAGER: Gentlemen, when there's an objection</p> <p>13 let me rule on it or hear it out. Mr. Chen, the</p> <p>14 characterization, it's a lawsuit in the sense that it was</p> <p>15 brought before a court. So continue.</p> <p>16 MR. CHEN: Are you aware of that, ma'am?</p> <p>17 MS. ROMANO: Yes.</p> <p>18 MR. CHEN: Okay. And you've seen in the file that's</p> <p>19 been already filed, an exhibit that says, defendant trial</p> <p>20 summary?</p> <p>21 MS. ROMANO: Yes.</p> <p>22 MR. CHEN: And as a result there was an order of</p> <p>23 abatement directed to you?</p> <p>24 MS. ROMANO: Yes.</p> <p>25 MR. CHEN: And doesn't that order of abatement say</p>	<p>60</p> <p>1 MS. ROMANO: Yes.</p> <p>2 MR. CHEN: And ma'am, can you tell us who signed the</p> <p>3 citation?</p> <p>4 MS. ROMANO: Mr. Andy Jacobs.</p> <p>5 MR. CHEN: So as I understand the citation, Mr.</p> <p>6 Jacobs is the gentleman that you have previously identified</p> <p>7 and explained to the Hearing Examiner what he has told you</p> <p>8 about this process and the trajectory. He was the individual</p> <p>9 who signed the citation that resulted in the court order for</p> <p>10 abatement; isn't that correct?</p> <p>11 MS. ROMANO: Yes.</p> <p>12 MR. CHEN: So apparently from the order for</p> <p>13 abatement, the county wanted you to stop having classes with</p> <p>14 numbers in excess of what you were authorized to have; isn't</p> <p>15 that correct?</p> <p>16 MS. ROMANO: Yes.</p> <p>17 MR. PRAGER: Just for the record, how many people</p> <p>18 were you authorized to have?</p> <p>19 MS. ROMANO: For a home occupation license it's five</p> <p>20 a day and 20 a week.</p> <p>21 MR. PRAGER: All right.</p> <p>22 MR. CHEN: So as I understand, I guess the history</p> <p>23 with these citations and in your testimony, that you began in</p> <p>24 2007 with what is called a no-impact home occupation.</p> <p>25 MS. ROMANO: Yes.</p>

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16 (61 to 64)

<p>61</p> <p>1 MR. CHEN: And then there were complaints. And as a 2 result in 2017 you filed for and obtained a low impact 3 conditional use for your yoga studio; is that correct? 4 MS. ROMANO: Yes. Quite common. 5 MR. CHEN: Okay. And then there were complaints 6 after you received that conditional use about your still 7 violating the terms and limitations of it. So as a 8 consequence, you have filed for the application for a major 9 home occupation that is before the Examiner in this 10 proceeding today; is that right? 11 MS. ROMANO: Yeah. I mean, there's a few other 12 things in play there, but more or less. Yeah. I want to serve 13 my community, I want to maintain my business, and comply with 14 the zoning ordinance. 15 MR. CHEN: And one of the things that were in play 16 was the action filed against you in district court by the 17 county; isn't that right? 18 MS. ROMANO: Yeah. Mr. Jacobs said not to worry 19 about it, go apply for the conditional use, and that he would 20 take care of it. 21 MR. CHEN: He would take care of it. Okay. And since 22 -- 23 MS. ROMANO: So meaning I didn't have to show up 24 anywhere. 25 MR. CHEN: Okay. And since the issue and so that</p>	<p>63</p> <p>1 August, 2018 order for abatement, you have continued to have 2 students in excess of your authorized 2017 conditional use; 3 isn't that right? 4 MR. KLOPMAN: Objection, Your Honor. I'll tell you 5 if I [inaudible] objection because -- 6 MR. PRAGER: He's asking the witness to testify. I 7 am not sure that there's anything you can say. She'll answer 8 it and I'll accept her testimony for what it is. 9 MR. KLOPMAN: All right. [inaudible] 10 MS. ROMANO: So there was a time, Your Honor, where 11 I really was trying to balance and juggle the needs of the 12 community with the abatement, with the surveillance I was 13 under. And I struggled quite frankly with fulfilling the 14 needs of the community. As I said earlier, there are people 15 that come to me in pain. There are people that come to me for 16 relief. I did struggle turning some people away at times. 17 MR. CHEN: So my question is, since the issuance in 18 August of 2018 -- 19 MS. ROMANO: At times. Yeah. 20 MR. CHEN: Okay. You've continued to violate the 21 terms of your conditional use, right? 22 MS. ROMANO: At times. Yeah. 23 MR. CHEN: You use the word surveillance. What do 24 you mean by that? 25 MS. ROMANO: You know, many students came to me or</p>
<p>62</p> <p>1 court order, that was back in August of last year; is that 2 correct? 3 MS. ROMANO: I don't have it in front of me. Could 4 be. 5 MR. CHEN: Would you like to see the order to be 6 sure on that? 7 MS. ROMANO: Sure. 8 MR. CHEN: Your Honor, may I approach? 9 MR. PRAGER: Yes. You may. 10 MS. ROMANO: Yes. 11 MR. PRAGER: Mr. Chen, per my edification, are you 12 talking about exhibit 44? 13 MR. CHEN: It's part of 44, isn't it Your Honor? It 14 is -- no. It would be, Your Honor, 46. It's a part of the 15 chronology of Warrior One -- 16 MR. PRAGER: All right. Thank you. 17 MR. CHEN: Pardon, 45. I apologize. It's 45 which is 18 entitled, the history of Warrior One Home Studio zoning 19 violations. 20 MR. PRAGER: Mr. Chen, this is about the fourth or 21 fifth time I've said this. I know you're more comfortable 22 standing, but it is much better for purposes of hearing your 23 voice if you would be sitting because that's where the 24 microphones are. 25 MR. CHEN: Thank you. And since the issuance of the</p>	<p>64</p> <p>1 participants came to me and friends, said you know, I feel 2 this feeling that I'm being watched. And that was quite 3 evidence, I think. 4 MR. CHEN: Okay. So you mean when you use the word 5 surveillance, you mean that means being watched. 6 MS. ROMANO: Being watched by a particular neighbor. 7 Yeah. 8 MR. CHEN: Who is that? 9 MS. ROMANO: The Hubers. 10 MR. CHEN: Okay. Are those the same people who filed 11 the complaints with DPS? 12 MS. ROMANO: Yes. 13 MR. CHEN: Also the size of the yoga area is how -- 14 what's its size? 15 MS. ROMANO: 18 by 21. 16 MR. CHEN: Okay. Are there any other yoga activities 17 outside that area in the house? 18 MS. ROMANO: No. I mean, my personal use. 19 MR. CHEN: So thank you -- 20 MS. ROMANO: I might meditate in my bedroom. Is that 21 what you mean? 22 MR. CHEN: Well, yes. That is what I mean. 23 MR. KLOPMAN: Objection, Your Honor. What relevance 24 would that have if she meditates in her bedroom? 25 MR. PRAGER: You [inaudible] some relevance. And if</p>

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17 (65 to 68)

<p>65</p> <p>1 not, I obviously will let it stand it's not relevant. So Mr. 2 Chen, continue. 3 MR. CHEN: Just so I'm clear, all yoga related 4 activity is restricted to that 21 by 18 foot area that we've 5 identified, the former sales office; is that correct? 6 MS. ROMANO: No. I can't say that it's correct. 7 MR. CHEN: Oh okay. Then why is it not correct? 8 MS. ROMANO: Because yoga is a part of my life. I 9 meditate in the morning. I meditate in the evening. I will 10 meditate in my backyard. I will practice myself. I share yoga 11 with my friends not a part of Warrior One Yoga. I have clubs 12 and organizations that I belong to that -- my children, we 13 pray before we eat a meal, that's mindfulness. 14 MR. CHEN: Okay. I'm not concerned about your 15 personal life. I'm talking -- 16 MS. ROMANO: It sounded like you are. 17 MR. CHEN: No. 18 MS. ROMANO: My outside life -- 19 MR. CHEN: Excuse me, pardon me. The question is 20 very simple. I want to know where is the yoga related 21 activity. It's very simple. Where is it in your home? 22 MS. ROMANO: All over my home. 23 MR. CHEN: Okay. So -- 24 MS. ROMANO: All over my home. Yeah. We meditate in 25 the dining room. We meditate in the kitchen. I'll meditate in</p>	<p>67</p> <p>1 MR. CHEN: Okay. Now and some are with friends -- 2 MS. ROMANO: Yeah. I just meant to imply that it's 3 part of my life. It's part of who I am. It's something I 4 share with my family, with my friends. And then I also 5 created a business supported by Montgomery County. 6 Montgomery County supports small home based women 7 owned businesses. And so there is that part of it too. And 8 that part, Mr. Chen, is restricted to primarily the space in 9 the 18 by 21 garage space. 10 MR. CHEN: Well, -- 11 MS. ROMANO: Does that clarify things? 12 MR. CHEN: No. 13 MR. PRAGER: It doesn't clarify it for me because 14 you inserted an adjective primarily. That doesn't say 15 anything to me. 16 The question is, you're running a commercial 17 establishment in a residential area, and I think Mr. Chen is 18 trying to find out how much of that commercial area and that 19 commercial activity spills out from the space that you have 20 said you were going to limit it to. 21 MS. ROMANO: I see. Classes are held strictly in 22 that room. 23 MR. PRAGER: Mr. Chen? 24 MS. ROMANO: Does that answer the question? 25 MR. CHEN: Are there yoga activities that are not</p>
<p>66</p> <p>1 front of my fireplace. I brought my yoga students into my 2 backyard. 3 MR. CHEN: So you have your yoga activity with your 4 students throughout your house and in your backyard. 5 MS. ROMANO: It's primarily in the yoga studio. But 6 some of my yoga students are also my friends. And there is a 7 blurred line, if you will. And I have some testimony to that. 8 MR. CHEN: Well, your yoga students pay you, don't 9 they? 10 MS. ROMANO: They do. 11 MR. CHEN: Okay. So that even though some -- 12 MS. ROMANO: Some do, some don't, I should say, to 13 be clear about that. 14 MR. CHEN: What do you mean by that? 15 MS. ROMANO: I offer free classes. I offer free 16 classes to many. And I routinely will give a free class to 17 someone in need. Over the years there's been many times. 18 MR. CHEN: Do you view those activities as being not 19 subject to the conditional use restrictions that you are 20 asking for and would have to abide by for a yoga studio? 21 MS. ROMANO: I'm not sure I understand your 22 question. 23 MR. CHEN: Well, you've described yoga activity 24 outside the former sales office. 25 MS. ROMANO: Ah, yeah.</p>	<p>68</p> <p>1 yoga classes? 2 MS. ROMANO: Yes. 3 MR. CHEN: What are those? 4 MS. ROMANO: I'm involved in a club called an 5 Acrovinyasa club. That is a yoga activity that is now part of 6 my classes. It's a club that I belong to. 7 MR. PRAGER: And just let me understand, these club 8 activities also take place at your house? 9 MS. ROMANO: This one does. I have other clubs that 10 also have taken place at my house. 11 MR. PRAGER: Mr. Chen? 12 MR. CHEN: Do you receive any money when the clubs 13 have activities at your house? 14 MS. ROMANO: Costs incurred, I collect money for 15 costs incurred. There's no profit. 16 MR. CHEN: How many clubs are there? 17 MS. ROMANO: How many clubs do I belong to? 18 MR. CHEN: That fall into this category. Yes, ma'am. 19 MS. ROMANO: Just one. 20 MR. CHEN: Okay. Is that the one you mentioned? 21 MS. ROMANO: Yes. 22 MR. CHEN: Could you please spell that for me, 23 please? Slow. 24 MS. ROMANO: A-c-r-o- -- 25 MR. CHEN: Oh Acro club?</p>

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18 (69 to 72)

<p>69</p> <p>1 MS. ROMANO: Yes.</p> <p>2 MR. CHEN: How many people?</p> <p>3 MS. ROMANO: Again it varies, four to -- depending</p> <p>4 on who can make it. Periodic.</p> <p>5 MR. CHEN: What is the maximum number?</p> <p>6 MS. ROMANO: There is no maximum number for a club.</p> <p>7 MR. CHEN: What is the maximum that you've had?</p> <p>8 MS. ROMANO: Eight [ph] --</p> <p>9 MR. CHEN: And how often does this occur?</p> <p>10 MS. ROMANO: Periodic. Sometimes no times a month.</p> <p>11 Sometimes twice a month. My daughter is a part of that club.</p> <p>12 MR. CHEN: What is the, if I may, what would be the</p> <p>13 minimum number of times that that club would meet at your</p> <p>14 home during a month?</p> <p>15 MS. ROMANO: Are my clubs under question?</p> <p>16 MR. PRAGER: Please answer the question so -- I'll</p> <p>17 decide whether or not something is [inaudible]</p> <p>18 MS. ROMANO: All right.</p> <p>19 MR. PRAGER: Go.</p> <p>20 MR. KLOPMAN: Well, I guess maybe this is unclear</p> <p>21 what the question is. I think that might be [inaudible]</p> <p>22 MR. PRAGER: Seemed fairly clear to me. Mr. Chen,</p> <p>23 would you rephrase your question?</p> <p>24 MR. CHEN: What would be the minimum number of times</p> <p>25 that your Acro club would be at your home for yoga?</p>	<p>71</p> <p>1 MR. CHEN: Do you have private lessons?</p> <p>2 MS. ROMANO: I do.</p> <p>3 MR. CHEN: Tell me about private lessons. How many</p> <p>4 people are involved in your private lessons?</p> <p>5 MS. ROMANO: Again that varies. One. It all varies</p> <p>6 and depends on need. And again this is why I'm asking for the</p> <p>7 conditional use.</p> <p>8 MR. CHEN: Well, you haven't listed private clubs --</p> <p>9 excuse me, private lessons as part of your schedule.</p> <p>10 MS. ROMANO: Because it's not part of a class</p> <p>11 schedule.</p> <p>12 MR. CHEN: I understand. So with private lessons, I</p> <p>13 guess the lowest number would be one. What would be the</p> <p>14 highest number you've had for private lessons?</p> <p>15 MS. ROMANO: Two.</p> <p>16 MR. CHEN: Any other yoga activity?</p> <p>17 MS. ROMANO: None that come to mind.</p> <p>18 MR. CHEN: And am I correct in understanding that</p> <p>19 these yoga activities that you have identified, the club, the</p> <p>20 groups with your daughter, the private lessons, they all</p> <p>21 occur in that 21 by 18 foot area; is that correct?</p> <p>22 MS. ROMANO: Yes.</p> <p>23 MR. CHEN: Now do you have other people who give</p> <p>24 yoga lessons at your residence?</p> <p>25 MS. ROMANO: So yes. You're talking about teachers</p>
<p>70</p> <p>1 MS. ROMANO: Oh, minimum times? Last month it was</p> <p>2 zero.</p> <p>3 MR. CHEN: Okay. And what would be the maximum?</p> <p>4 MS. ROMANO: Twice a month, about.</p> <p>5 MR. CHEN: Okay.</p> <p>6 MS. ROMANO: But that's evolved too, like close to.</p> <p>7 MR. CHEN: Are there any other yoga activities at</p> <p>8 your home, other than the yoga classes and the Acro club?</p> <p>9 MS. ROMANO: I've taught groups to -- there's my</p> <p>10 daughter and her group of her friends wanted me to teach them</p> <p>11 yoga, and so I taught them yoga.</p> <p>12 MR. CHEN: How many people is that?</p> <p>13 MS. ROMANO: It varied, five to six, I think.</p> <p>14 MR. CHEN: How often?</p> <p>15 MS. ROMANO: A handful of times till they got tired</p> <p>16 of it or moved on.</p> <p>17 MR. PRAGER: I'm not sure I understand your</p> <p>18 question. A handful of times per year, per month, per week?</p> <p>19 MS. ROMANO: Per year. It's a period of time. I</p> <p>20 actually have a witness testimony for that.</p> <p>21 MR. CHEN: Do you have any other yoga activities</p> <p>22 other than the club -- other than the classes, the clubs, the</p> <p>23 handful of teaching groups with your daughter, or any other</p> <p>24 yoga activities?</p> <p>25 MS. ROMANO: No.</p>	<p>72</p> <p>1 that come in. There's two reasons I have teachers that come</p> <p>2 in. One is if I can no longer -- if I have -- if I can't</p> <p>3 teach that class for some reason.</p> <p>4 And then the other one is for my personal enjoyment.</p> <p>5 I do just like I bring in maintenance, I bring in someone to</p> <p>6 clean the house, I bring people in to also teach me.</p> <p>7 MR. CHEN: Okay. Just so I'm clear on this, you have</p> <p>8 two occasions only when another instructor will be giving</p> <p>9 yoga lessons at your residence. And that would be teachers</p> <p>10 who come in when you ask them to instruct a class, and those</p> <p>11 who give you a personal guest class; is that right?</p> <p>12 MS. ROMANO: Yes.</p> <p>13 MR. CHEN: Now are any of these incidents or</p> <p>14 occasions that you've just described, are they included in</p> <p>15 the schedule of yoga classes that you are asking</p> <p>16 authorization for in this proceeding?</p> <p>17 MS. ROMANO: Ask me that again.</p> <p>18 MR. CHEN: Are any of the lessons, yoga lessons that</p> <p>19 you've just identified, involved in, people coming on to your</p> <p>20 property, the teachers who come in, you said, and then the</p> <p>21 personal enjoyment, are those instances of yoga lessons</p> <p>22 included in this application?</p> <p>23 MS. ROMANO: Except for an occasion having someone</p> <p>24 fill in for me.</p> <p>25 MR. CHEN: You mean if someone's filling in for you,</p>

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<p>73</p> <p>1 that's part of your schedule.</p> <p>2 MS. ROMANO: Yes. If I can't teach that class, then</p> <p>3 I'll have someone fill in for me.</p> <p>4 MR. CHEN: Okay. So what are the other occasions</p> <p>5 when another instructor would come to your residence for</p> <p>6 giving a yoga lesson, other than filling in for you?</p> <p>7 MS. ROMANO: My personal enjoyment. So there was a</p> <p>8 time when my father was very ill and he died. And I had</p> <p>9 someone come teach the class and I took it. Because I needed</p> <p>10 it myself for my own self-care.</p> <p>11 MR. CHEN: And on those occasions, when you say</p> <p>12 personal enjoyment, I take it that would be just yourself</p> <p>13 getting a lesson from an instructor, one instructor.</p> <p>14 MS. ROMANO: No. I usually join my fellow community.</p> <p>15 MR. CHEN: The personal enjoyment lessons?</p> <p>16 MS. ROMANO: Mm-hmm.</p> <p>17 MR. CHEN: Oh. Okay. Describe them for us, please.</p> <p>18 MS. ROMANO: I'll use my example of when my father</p> <p>19 was ill. I was very distraught, as anyone would be, when your</p> <p>20 father is -- died. And so I have a friend and part of the</p> <p>21 community, member, who's also trained in yoga, came in and</p> <p>22 she taught the class, and I took the class.</p> <p>23 MR. CHEN: How many people were there?</p> <p>24 MS. ROMANO: Five.</p> <p>25 MR. CHEN: How often --</p>	<p>75</p> <p>1 strike that. I take it therefore your view or your position</p> <p>2 is you can have a personal enjoyment yoga class as you've</p> <p>3 described as appropriate to your judgment. Is that a fair</p> <p>4 statement?</p> <p>5 MS. ROMANO: Well, it's like gardening. I mean,</p> <p>6 would you limit how often you garden? This is the gardening</p> <p>7 of my soul. Why would I limit -- why would I limit that? Why</p> <p>8 would anyone limit that?</p> <p>9 MR. CHEN: So you draw a distinction between yoga</p> <p>10 activity that is part of the classes that are the subject of</p> <p>11 this application from other yoga classes or activities that</p> <p>12 you do not put into the same type of category as the classes</p> <p>13 that you've identified for the schedule that you've given us;</p> <p>14 is that right?</p> <p>15 MS. ROMANO: Again you lost me. Sorry. I'm not sure</p> <p>16 [inaudible] but I'm just trying to be honest and truthful and</p> <p>17 --</p> <p>18 MR. PRAGER: And you're under oath too.</p> <p>19 MS. ROMANO: Oh I know. I know. I have no problem</p> <p>20 with that. I have nothing to hide. I'm trying to serve my</p> <p>21 community and serve -- maintain my business and comply with</p> <p>22 the zoning ordinances.</p> <p>23 MR. CHEN: And at least as far as these personal</p> <p>24 enjoyment yoga events, we don't know how often you're going</p> <p>25 to have them, and they can occur with upwards of five people;</p>
<p>74</p> <p>1 MS. ROMANO: Four. I don't remember.</p> <p>2 MR. CHEN: How often do you have personal enjoyment</p> <p>3 yoga lessons?</p> <p>4 MS. ROMANO: It varies. You know, that was a period</p> <p>5 of time. But then I also had when I had the reshuffling of</p> <p>6 classes, there was a Sunday class that originally was in a</p> <p>7 different location that I moved to my home studio.</p> <p>8 And that was for my personal enjoyment. And that's a</p> <p>9 teacher that I highly respect and I learn from.</p> <p>10 MR. CHEN: How many people attend? Five, you said</p> <p>11 five.</p> <p>12 MS. ROMANO: Three to five, I'd say. Yeah.</p> <p>13 MR. CHEN: And how often do you have personal</p> <p>14 enjoyment yoga lessons at your residence?</p> <p>15 MS. ROMANO: I mean, I practice yoga every day,</p> <p>16 whether it's by myself or with someone else. And I'm not</p> <p>17 trying to be evasive, that does vary. That does vary on my</p> <p>18 own needs, just like my community has needs, and it varies</p> <p>19 with them. It varies with me. So.</p> <p>20 MR. CHEN: And do I understand your testimony</p> <p>21 therefore to be that you do not include these personal</p> <p>22 enjoyment lessons as part of your yoga class operations that</p> <p>23 are part of the conditional use process.</p> <p>24 MS. ROMANO: No. I do not.</p> <p>25 MR. CHEN: And you cannot tell us how often --</p>	<p>76</p> <p>1 is that correct?</p> <p>2 MS. ROMANO: I'm trying to -- I'm just thinking of</p> <p>3 some of my friends who might come over for a social</p> <p>4 gathering, a book club. Is that what you're referring to? I</p> <p>5 mean, I --</p> <p>6 MR. CHEN: I'm not talking about book club. I'm</p> <p>7 talking about yoga, what you've described for us as personal</p> <p>8 enjoyment yoga class.</p> <p>9 MR. PRAGER: Ms. Romano, I know this is difficult</p> <p>10 for you, but please answer the questions that are asked.</p> <p>11 MS. ROMANO: Okay. I'm trying.</p> <p>12 MR. PRAGER: I don't need to have anything about how</p> <p>13 helpful you want to be to your friends. I need to have you</p> <p>14 answer questions.</p> <p>15 MS. ROMANO: Okay. So how many personal enjoyment</p> <p>16 classes? Well, that's very personal. But I'm committed to the</p> <p>17 schedule that I've applied for.</p> <p>18 MR. CHEN: That's not what I'm talking about here,</p> <p>19 respectfully. I'm talking about your personal enjoyment yoga</p> <p>20 classes.</p> <p>21 MS. ROMANO: Okay. So it depends on personal -- if</p> <p>22 you're referring specifically to the Sunday class and that</p> <p>23 club class, those will be reshuffled around when the</p> <p>24 conditional use [inaudible]</p> <p>25 MR. CHEN: I'm referring only to these personal</p>

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<p>77</p> <p>1 enjoyment classes.</p> <p>2 MS. ROMANO: Okay.</p> <p>3 MR. CHEN: You've told us you have personal</p> <p>4 enjoyment classes.</p> <p>5 MS. ROMANO: I do.</p> <p>6 MR. CHEN: They are not part of the schedule. These</p> <p>7 are different people that come. Some may be friends, I</p> <p>8 understand. Some may not be friends.</p> <p>9 They're just people that you know and they're coming</p> <p>10 for these personal enjoyment yoga classes. And you do not</p> <p>11 view them as being part or regulated by the conditional use</p> <p>12 process.</p> <p>13 MS. ROMANO: No. Because they're my personal</p> <p>14 enjoyment.</p> <p>15 MR. PRAGER: Right. Let me see if we can advance</p> <p>16 this a little bit.</p> <p>17 MS. ROMANO: I'm not trying to be difficult, Your</p> <p>18 Honor.</p> <p>19 MR. PRAGER: In December and January and now</p> <p>20 February, in the last three months, if you can think that far</p> <p>21 back, how many of those classes were held -- or those</p> <p>22 sessions were held in December?</p> <p>23 MS. ROMANO: I have to look back. But I can think of</p> <p>24 two, maybe three.</p> <p>25 MR. PRAGER: All right. And in January?</p>	<p>79</p> <p>1 right?</p> <p>2 MS. ROMANO: Yes.</p> <p>3 MR. CHEN: This information includes a \$25 drop,</p> <p>4 \$100 five pack class. What does that refer to? It's part of</p> <p>5 the Acro club activities?</p> <p>6 MS. ROMANO: Yes. It covers costs incurred.</p> <p>7 MR. CHEN: So this screenshot is showing that</p> <p>8 there's going to be four upcoming dates and it's \$25 just to</p> <p>9 drop in to attend the class.</p> <p>10 MS. ROMANO: Yes.</p> <p>11 MR. CHEN: But if you're going to have attending a</p> <p>12 five pack class, it's \$100?</p> <p>13 MS. ROMANO: Right.</p> <p>14 MR. CHEN: What's a five-pack class?</p> <p>15 MS. ROMANO: So a discounted rate for five. There's</p> <p>16 a lot of couples that come.</p> <p>17 MR. CHEN: Okay. So are these the classes where</p> <p>18 you're not, as I understand your testimony, you're not making</p> <p>19 any profit, but you're still charging costs.</p> <p>20 MS. ROMANO: Yes. And there's a teacher that</p> <p>21 collected and incurred for that [inaudible] and other costs.</p> <p>22 MR. CHEN: So this apparently is an instance where</p> <p>23 there's going to be an instructor other than yourself?</p> <p>24 MS. ROMANO: Yes.</p> <p>25 MR. CHEN: And where does that teacher park?</p>
<p>78</p> <p>1 MS. ROMANO: I'm going to say the same.</p> <p>2 MR. PRAGER: And in February?</p> <p>3 MS. ROMANO: None. None.</p> <p>4 MR. PRAGER: All right. And when were they held?</p> <p>5 What days of the week?</p> <p>6 MS. ROMANO: My personal enjoyment classes were</p> <p>7 either Sunday morning or some Fridays, some Friday evenings.</p> <p>8 MR. PRAGER: All right. Mr. Chen?</p> <p>9 MR. CHEN: If I may, I'd like [inaudible]. May I</p> <p>10 approach?</p> <p>11 MR. PRAGER: You may.</p> <p>12 MR. CHEN: Ms. Romano, I've just showed you a page</p> <p>13 that comes out of the chronology of your studio. This, Mr.</p> <p>14 Examiner, is page 18 of exhibit 46.</p> <p>15 MR. PRAGER: All right. Move off the record.</p> <p>16 (Off the record.)</p> <p>17 MR. PRAGER: We're back on the record.</p> <p>18 MR. CHEN: Now I've just shown you this page 18 of</p> <p>19 the exhibit 46. And you looked at it; is that right?</p> <p>20 MS. ROMANO: Yes.</p> <p>21 MR. CHEN: This screenshot -- there's a screenshot</p> <p>22 on this page; is that correct?</p> <p>23 MS. ROMANO: Yes.</p> <p>24 MR. CHEN: And apparently this is a screenshot of</p> <p>25 one of your Acrovinyasa Flight Club activities; is that</p>	<p>80</p> <p>1 MS. ROMANO: In the driveway. They follow the same</p> <p>2 parking diagram, parking way.</p> <p>3 MR. CHEN: And just to be clear on your direct</p> <p>4 testimony, you've described in your papers these donation</p> <p>5 classes and these special classes too.</p> <p>6 MS. ROMANO: Mm-hmm.</p> <p>7 MR. CHEN: And it's your testimony that henceforward</p> <p>8 when you have such a class, it'll be in accordance with the</p> <p>9 limit of 10 people in the schedule that you've given us in</p> <p>10 your application.</p> <p>11 MS. ROMANO: Yes.</p> <p>12 MR. CHEN: How many instructors do you have?</p> <p>13 MS. ROMANO: I don't hire any instructors full time.</p> <p>14 It's just not structured that way. I have instructors that</p> <p>15 will fill in for me as needed and then for my personal</p> <p>16 enjoyment.</p> <p>17 MR. CHEN: Okay. Is Jessie Hill one of your</p> <p>18 instructors?</p> <p>19 MS. ROMANO: She is someone that leads the</p> <p>20 Acrovinyasa class. Yes.</p> <p>21 MR. CHEN: Okay.</p> <p>22 MS. ROMANO: She's not one of my instructors, but</p> <p>23 she's a friend of mine.</p> <p>24 MR. CHEN: And she comes to your residence and gives</p> <p>25 the Acro club lessons.</p>

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21 (81 to 84)

81	<p>1 MS. ROMANO: And my other location.</p> <p>2 MR. CHEN: But she comes to your location on</p> <p>3 Falconbridge Drive?</p> <p>4 MS. ROMANO: She did. Yes.</p> <p>5 MR. CHEN: She came a number of times; isn't that</p> <p>6 right?</p> <p>7 MS. ROMANO: She's come several times.</p> <p>8 MR. CHEN: And how many people are in that class?</p> <p>9 MS. ROMANO: It varies. It varies, four, six. Some</p> <p>10 people come a little bit later. It's a club.</p> <p>11 MR. CHEN: And as I think you've testified, that</p> <p>12 class is not part of the schedule that you've applied for in</p> <p>13 this application.</p> <p>14 MS. ROMANO: No.</p> <p>15 MR. CHEN: That's outside that schedule.</p> <p>16 MS. ROMANO: Yes.</p> <p>17 MR. CHEN: So we have with this club an instructor</p> <p>18 coming to the site, the instructor who's being paid to come</p> <p>19 to the site to give the lesson, and some number of people, we</p> <p>20 don't know exactly how many, it could vary, but I think your</p> <p>21 number is five at least on this occasion that we're seeing.</p> <p>22 And how often do those classes occur?</p> <p>23 MR. KLOPMAN: Objection. I thought that was asked</p> <p>24 already.</p> <p>25 MR. PRAGER: I'm sorry, what did you object to?</p>	83	<p>1 be hopefully approved.</p> <p>2 And then there'll be another reshuffling and that</p> <p>3 class will move back to the Carriage House. It's actually no</p> <p>4 longer on the schedule because there's just really not enough</p> <p>5 people for the class.</p> <p>6 MR. CHEN: But you -- but your testimony is you</p> <p>7 reserve the right to have those personal classes and the club</p> <p>8 classes at your house nonetheless.</p> <p>9 MS. ROMANO: There's no plan to do so. You know, if</p> <p>10 your dad's health is poor [inaudible] if I'm entitled and I'm</p> <p>11 allowed to have a club, then I'll have it. If not, then I</p> <p>12 have another location.</p> <p>13 MR. CHEN: That wasn't my question.</p> <p>14 MS. ROMANO: Okay.</p> <p>15 MR. CHEN: Please. You reserve the right to have</p> <p>16 these other types of yoga classes. And they are not part of</p> <p>17 the conditional use application that has been before the</p> <p>18 Examiner in this case; isn't that correct?</p> <p>19 MS. ROMANO: I'm holding to what is in the</p> <p>20 application. So whatever the application, that's where I'm</p> <p>21 going to follow my yoga classes. My personal enjoyment is</p> <p>22 separate from that.</p> <p>23 MR. CHEN: Respectfully, I'm not talking about what</p> <p>24 you call your yoga classes. I'm talking about your club</p> <p>25 classes and your personal enjoyment classes. You're still</p>
82	<p>1 MR. KLOPMAN: That was asked already. She went over</p> <p>2 it when you asked him. And she's answered it before.</p> <p>3 MR. PRAGER: Mr. Chen, let's move --</p> <p>4 MR. CHEN: She provided that and in your notes,</p> <p>5 that's fine, Your Honor. Kevin Platt --</p> <p>6 MS. ROMANO: Yes.</p> <p>7 MR. CHEN: Who's Mr. Platt?</p> <p>8 MS. ROMANO: He's actually here [inaudible]. He is a</p> <p>9 teacher that has filled in for me. And I take classes from</p> <p>10 him for my personal enjoyment. So it's both.</p> <p>11 MR. CHEN: So Mr. Platt is an instructor who comes</p> <p>12 to your Falconbridge Drive location either to fill in for you</p> <p>13 when you cannot give a class or he will be an instructor when</p> <p>14 you are taking a class.</p> <p>15 MS. ROMANO: Yes.</p> <p>16 MR. CHEN: Does he get paid?</p> <p>17 MS. ROMANO: He does.</p> <p>18 MR. CHEN: And when he is attending your location to</p> <p>19 give classes that you participate in, how many people are</p> <p>20 there?</p> <p>21 MS. ROMANO: Again, four to six, the same amount.</p> <p>22 When I moved classes, I shifted classes while the conditional</p> <p>23 use was in process.</p> <p>24 One of his classes that was at the Carriage House</p> <p>25 was moved to my home location until the conditional use could</p>	84	<p>1 going to have them even after this proceeding is concluded;</p> <p>2 isn't that right?</p> <p>3 MS. ROMANO: No. I'm not.</p> <p>4 MR. CHEN: You're never going to have any more club</p> <p>5 classes at your house and never have any more personal</p> <p>6 enjoyment class --</p> <p>7 MS. ROMANO: The Acrovinyasa club has temporarily</p> <p>8 been moved. But as far as my personal, you know, I don't</p> <p>9 know. I might refer to you, Mr. Hearing Examiner. Where is</p> <p>10 that line? I might need some guidance there. Because I have -</p> <p>11 -</p> <p>12 MR. PRAGER: Answer the question. What is your</p> <p>13 intention?</p> <p>14 MS. ROMANO: Well, my intention is to continue to --</p> <p>15 is to follow the conditional use and what's on the</p> <p>16 application and practice yoga as I always do.</p> <p>17 MR. CHEN: Okay. When you say, and practice, when</p> <p>18 you say, and practice yoga as you do, that includes the club</p> <p>19 and the personal enjoyment classes; isn't that correct?</p> <p>20 MS. ROMANO: That can include. Yes.</p> <p>21 MR. CHEN: Both?</p> <p>22 MS. ROMANO: Not the club. The club is being moved.</p> <p>23 I do have friends that come over and we might go into a tree</p> <p>24 pose.</p> <p>25 MR. CHEN: So your testimony --</p>

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22 (85 to 88)

<p>85</p> <p>1 MR. PRAGER: What was that? Might go into what?</p> <p>2 MS. ROMANO: I said we might go into a tree pose,</p> <p>3 meaning, you know, we -- I'm just looking out in the group</p> <p>4 and I'm thinking of my good friend out there, Melissa, who</p> <p>5 came over and she -- it was her birthday.</p> <p>6 And we did some yoga on her birthday. It wasn't for</p> <p>7 a club. It wasn't for a class. No payment was exchanged. It</p> <p>8 was just personal enjoyment.</p> <p>9 MR. CHEN: I'm not talking about that. I thought I</p> <p>10 [inaudible]</p> <p>11 [talking over each other]</p> <p>12 MR. CHEN: I made that clear earlier. Now are you</p> <p>13 saying that you're never ever going to have any more Acro</p> <p>14 club classes, yoga classes at your house.</p> <p>15 MS. ROMANO: Yes.</p> <p>16 MR. CHEN: Okay. Are there any -- you also mentioned</p> <p>17 earlier that there are clubs. You used the word plurally. Are</p> <p>18 there other clubs, yoga clubs, I don't mean a book club, I'm</p> <p>19 talking about --</p> <p>20 MS. ROMANO: Yeah. No.</p> <p>21 MR. CHEN: Okay. So the Acro club is the only yoga</p> <p>22 related club.</p> <p>23 MS. ROMANO: Yes.</p> <p>24 MR. CHEN: And that's now off the table.</p> <p>25 MS. ROMANO: Yes.</p>	<p>87</p> <p>1 MR. PRAGER: We're back on the record. Mr. Chen, you</p> <p>2 were doing the questioning. And Mr. Klopman, I think just</p> <p>3 before this hearing restarted was going to raise a point?</p> <p>4 MR. KLOPMAN: I have one or two people that have</p> <p>5 time problems. And I was going to ask if you had -- if it was</p> <p>6 acceptable to just have them come up and say what they -- out</p> <p>7 of order, and indicate they're here in support of the</p> <p>8 application, and they have points they want to make, and they</p> <p>9 want to set forth their positions.</p> <p>10 You know, I don't think there'll be more than five</p> <p>11 to maybe ten minutes. But if Your Honor, there's one that has</p> <p>12 to leave at 1:30. And there's one that has to leave at 2:55.</p> <p>13 MR. PRAGER: Mr. Chen, what's your response to that?</p> <p>14 MR. CHEN: I'm easy on that, Your Honor.</p> <p>15 MR. PRAGER: Pardon?</p> <p>16 MR. CHEN: I'm easy on that type of thing. People</p> <p>17 have problems. I understand that. So I have no problem.</p> <p>18 MR. PRAGER: Well, --</p> <p>19 MR. KLOPMAN: Do you want to see how it goes? If it</p> <p>20 gets to the end and --</p> <p>21 MR. PRAGER: Yeah. I think that's what I'm going to</p> <p>22 do. We'll go on till 12:15. And if we need to interrupt at</p> <p>23 that point --</p> <p>24 [talking over each other]</p> <p>25 MR. PRAGER: I used to be able to read my time on my</p>
<p>86</p> <p>1 MR. CHEN: You had it in the past --</p> <p>2 MS. ROMANO: Yes.</p> <p>3 MR. CHEN: -- up until recently. But your testimony</p> <p>4 now is that you're never going to have it at your location.</p> <p>5 MS. ROMANO: Yes. Yes.</p> <p>6 MR. CHEN: Okay. And with the personal enjoyment</p> <p>7 club -- yoga classes, we just don't know because they appear</p> <p>8 to be pretty much as they occur. There's no set pattern, no</p> <p>9 set --</p> <p>10 MS. ROMANO: Yeah. Yeah. No.</p> <p>11 MR. PRAGER: Mr. Chen, let me ask you how much</p> <p>12 longer you think you'll have for this cross-examination.</p> <p>13 MR. CHEN: A while.</p> <p>14 MR. PRAGER: Pardon?</p> <p>15 MR. CHEN: A while.</p> <p>16 MR. PRAGER: I think we've going at this for two</p> <p>17 hours. And I don't know if anybody else needs to stretch and</p> <p>18 -- so we will take about a 10 minute break.</p> <p>19 MR. CHEN: If I may?</p> <p>20 MR. PRAGER: Yeah. We're off the record now.</p> <p>21 (Off the record.)</p> <p>22 MR. PRAGER: For the record we are now taking a</p> <p>23 break for lunch. And we will resume at approximately 12:30.</p> <p>24 MR. KLOPMAN: Thank you, Your Honor.</p> <p>25 (Off the record.)</p>	<p>88</p> <p>1 watch. But apparently I'm failing on that. In any event,</p> <p>2 yeah, we'll go to 1:15. And then if Mr. Chen has not</p> <p>3 completed, we'll interrupt thanks to him. So go ahead, Mr.</p> <p>4 Chen.</p> <p>5 MR. CHEN: Okay. Thank you. I believe that my last</p> <p>6 questions dealt with Mr. Platt. He is one of your</p> <p>7 instructors; is that correct?</p> <p>8 MS. ROMANO: Yes.</p> <p>9 MR. CHEN: And you explained who he was. I recollect</p> <p>10 that you did. Lauren Dome -- Dome. I apologize if I</p> <p>11 mispronounce anybody's name. But isn't Lauren Dome also one</p> <p>12 of your instructors?</p> <p>13 MS. ROMANO: She is a friend, an instructor, and a</p> <p>14 neighbor.</p> <p>15 MR. CHEN: And does she participate filling in for</p> <p>16 you as an instructor?</p> <p>17 MS. ROMANO: She does.</p> <p>18 MR. CHEN: Okay. Does she in any other capacity</p> <p>19 instruct classes, yoga classes at your residence?</p> <p>20 MS. ROMANO: No. She fills in periodically.</p> <p>21 MR. CHEN: I take it when you say, someone fills in</p> <p>22 for you, those are occasions when you are not present.</p> <p>23 MS. ROMANO: No. That's not true. Sometimes I'm</p> <p>24 often present.</p> <p>25 MR. CHEN: Okay. Tell me about those occasions then</p>

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23 (89 to 92)

<p>89</p> <p>1 when you're present and --</p> <p>2 MS. ROMANO: But I'd like to be very clear because I</p> <p>3 was a little [inaudible]</p> <p>4 MR. CHEN: Just answer the question.</p> <p>5 MS. ROMANO: Okay. I attend the class. She'll teach</p> <p>6 the class and I'll attend the class.</p> <p>7 MR. CHEN: Do these fill in instructors get paid?</p> <p>8 MS. ROMANO: Yes.</p> <p>9 MR. CHEN: Okay. And as I understand your testimony,</p> <p>10 Ms. Dome is a fill in or substitute instructor.</p> <p>11 MS. ROMANO: Yes.</p> <p>12 MR. CHEN: Wassa Lakham, and again I sincerely --</p> <p>13 MS. ROMANO: That's fine.</p> <p>14 MR. CHEN: [inaudible] if I'm mispronouncing. Is</p> <p>15 this individual one of your instructors also?</p> <p>16 MS. ROMANO: Yeah. She was an instructor at another</p> <p>17 location outside of my home studio location. But when there</p> <p>18 was a period of time where I moved classes around to</p> <p>19 accommodate and to comply, and that was one class that got</p> <p>20 moved to my home location.</p> <p>21 That class is at a different location typically and</p> <p>22 will fall under the guidelines and the application.</p> <p>23 MR. PRAGER: Mr. Chen said a name, but I didn't get</p> <p>24 it. Would you spell the name, Ms. Romano?</p> <p>25 MS. ROMANO: Yeah. Her last name is hard to</p>	<p>91</p> <p>1 lunch.</p> <p>2 MS. ROMANO: I have.</p> <p>3 MR. CHEN: And who did you have lunch with?</p> <p>4 MS. ROMANO: I had lunch with my husband, and my</p> <p>5 friend, and my attorney.</p> <p>6 MR. CHEN: And I ask because your testimony this</p> <p>7 morning was very clear, very clear about the types of classes</p> <p>8 that you've had, including the personal enjoyment classes.</p> <p>9 And now without even a question from me, you've seemingly</p> <p>10 changed your testimony.</p> <p>11 MS. ROMANO: Well, I have no risk [ph] up here. I am</p> <p>12 trying to defend my -- what I've built. And this is a gray</p> <p>13 area, to be honest with you.</p> <p>14 So yeah, I was a bit confused. But I do want to be</p> <p>15 clear as to, you know, my personal enjoyment, maybe one or</p> <p>16 two people that come; you know?</p> <p>17 And then there's my classes. And they're separate.</p> <p>18 So if I misspoke, I apologize. It's not -- I'm not trying to</p> <p>19 hide anything. I'm just trying to be clear. I really am.</p> <p>20 MR. CHEN: Did you talk about this misspeaking</p> <p>21 during the lunch?</p> <p>22 MR. KLOPMAN: Well, if it gets into privileged</p> <p>23 communications, Your Honor, it's privileged. She had</p> <p>24 communications with me.</p> <p>25 MR. PRAGER: Let me hear the question. Mr. Chen, now</p>
<p>90</p> <p>1 pronounce. We just call her Wassa, W-a-s-s-a.</p> <p>2 MR. PRAGER: Right. And what is her full name?</p> <p>3 MS. ROMANO: That's what I'll need help with.</p> <p>4 Lakham, I think. L-a-k-h-a-m.</p> <p>5 MR. CHEN: I think there's two K's. It's L-a-k-k-h-</p> <p>6 a-m [sic] is the last name.</p> <p>7 MR. PRAGER: Thank you.</p> <p>8 MR. CHEN: And is Ms. Lakham -- I sincerely</p> <p>9 apologize if I mispronounce -- is she a fill in instructor</p> <p>10 only?</p> <p>11 MS. ROMANO: She's an instructor that teachers me</p> <p>12 for my personal enjoyment.</p> <p>13 MR. CHEN: Does she get paid?</p> <p>14 MS. ROMANO: She does.</p> <p>15 MR. CHEN: So she doesn't instruct classes, but she</p> <p>16 does instruct you under the personal enjoyment --</p> <p>17 MS. ROMANO: It's both. Because [inaudible] but let</p> <p>18 me be clear on the personal enjoyment classes. Any personal</p> <p>19 enjoyment classes will fall into whatever the conditional use</p> <p>20 that I'm applying for. So I don't want it to be -- I don't</p> <p>21 want to be too confusing here on personal enjoyment.</p> <p>22 MR. CHEN: Mr. Examiner, is the witness still under</p> <p>23 oath?</p> <p>24 MR. PRAGER: Yes.</p> <p>25 MR. CHEN: And we've had now a break. And you've had</p>	<p>92</p> <p>1 you're leaning back a little bit.</p> <p>2 MR. CHEN: I apologize. The question was, did she</p> <p>3 speak about this matter during the luncheon break.</p> <p>4 MR. KLOPMAN: If he's implying that she had</p> <p>5 discussions with her counsel, those would be privileged.</p> <p>6 MR. CHEN: I didn't quantify --</p> <p>7 MR. PRAGER: She could answer the question.</p> <p>8 MS. ROMANO: Yeah. I asked how I was doing and, you</p> <p>9 know, frankly I left a little bit unclear, like what is he</p> <p>10 getting to. The personal part is where I personally was</p> <p>11 confused.</p> <p>12 So I came back and I just want to make sure we're</p> <p>13 clear that, you know, personal is separate from what I -- my</p> <p>14 intention is to follow what is outlined in my application</p> <p>15 under the 60.</p> <p>16 Everything will fall into that category that is yoga</p> <p>17 related at my home. Anything different, anything separate, is</p> <p>18 separate.</p> <p>19 MR. CHEN: Well, okay. Let's talk about, what is</p> <p>20 separate?</p> <p>21 MS. ROMANO: Specifically the Acrovinyasa class is</p> <p>22 somewhere else. The Sunday class will be moved. It is already</p> <p>23 off the schedule and is moved, as it originally was at a</p> <p>24 different location will be moved back to that location.</p> <p>25 MR. CHEN: Are there any other yoga class activities</p>

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24 (93 to 96)

<p style="text-align: right;">93</p> <p>1 -- excuse me. Are there any other yoga activities other than 2 your classes? 3 MS. ROMANO: No. 4 MR. CHEN: So that today we've heard all of your 5 yoga activities at your residence? 6 MS. ROMANO: Yes. All my yoga activities will fall 7 under -- 8 MR. CHEN: That wasn't the question -- 9 MR. KLOPMAN: Let her finish. 10 MS. ROMANO: Will fall under the outline of the 11 conditional use application. I'm committed to that. And 12 that's what I will follow. 13 MR. CHEN: Yeah. I've -- 14 MS. ROMANO: Before then we didn't have this 15 conditional use. So I was trying to manage and figure out 16 what I needed to do in the interim. 17 MR. PRAGER: Well, you had a conditional use, but 18 the one you're applying for now. So there was a conditional 19 use and it did have limits. 20 MS. ROMANO: Right. And that's why I changed classes 21 around, tried to make it -- I basically moved the Sunday and 22 the Wednesday class have fewer people to my home studio, and 23 then moved the other classes to another location. 24 And they will be switched around once this 25 conditional use fully is granted. Is that clear?</p>	<p style="text-align: right;">95</p> <p>1 MR. CHEN: I think one of your answers to Mr. 2 Klopman's question said that yoga for health comes under a 3 special category of yoga lessons? 4 MS. ROMANO: Yes. That was a specialty class. It 5 happens once a year. 6 MR. CHEN: Are those classes part of the schedule? 7 MS. ROMANO: No. 8 MR. CHEN: So the yoga for health is once a year; is 9 that right? 10 MS. ROMANO: Yes. 11 MR. CHEN: And it's not part of the schedule? 12 MS. ROMANO: No. 13 MR. CHEN: Do you have an instructor named Mauren? 14 MR. PRAGER: Excuse me, Mr. Chen. Before you leave 15 that subject, maybe you're getting into it, but I'm not sure 16 I understand this. This yoga for health, are you reimbursed 17 in any fashion for that class? 18 MS. ROMANO: I am for costs incurred. 19 MR. PRAGER: Okay. And you determine the costs; is 20 that correct? 21 MS. ROMANO: It's worked out with the instructor. 22 But yeah. 23 MR. PRAGER: With the instructor? 24 MS. ROMANO: Yeah. 25 MR. PRAGER: So the cost is the cost of the</p>
<p style="text-align: right;">94</p> <p>1 MR. CHEN: No. Well, it's clear, but it did not 2 answer my question. 3 MS. ROMANO: Okay. What is your question? 4 MR. CHEN: My question is, please tell us what are 5 the yoga activities at your residence other than the classes? 6 MS. ROMANO: None. 7 MR. CHEN: Margaret Brozen, who is she? 8 MS. ROMANO: Yes. She's an instructor that also 9 fills in. These are independent contractors that may or may 10 not necessarily fill in at different times. It's not a full 11 time thing for this. So you have to have multiple people to 12 be able to fill in [inaudible] 13 MR. CHEN: But they -- the fill ins get paid? 14 MS. ROMANO: Yes. 15 MR. CHEN: And sometimes you participate in the 16 class as well as the instructor? 17 MS. ROMANO: Yes. 18 MR. CHEN: Who is Jane with Saravistate [sic]? 19 MS. ROMANO: I think you're referring to Jane 20 Stelboum with Sarasvate. She is a friend and neighbor who I 21 referred to earlier. She came and gave us valuable 22 information on yoga for brain health. 23 MR. PRAGER: Excuse me. Would you spell the last 24 name again? 25 MS. ROMANO: Of course. Stelboum, S-t-e-l-b-o-u-m.</p>	<p style="text-align: right;">96</p> <p>1 instructor and anything else? 2 MS. ROMANO: There's a heater we use to warm up the 3 room so that everyone's comfortable. I have equipment, yoga 4 blankets, bolsters, blocks, straps. 5 MR. PRAGER: Okay. And you set the scale for those 6 reimbursements; is that correct? 7 MS. ROMANO: Yes. 8 MR. PRAGER: All right. Thank you. Mr. Chen? 9 MR. CHEN: Is that a regularly scheduled event, 10 that's once a year? 11 MS. ROMANO: It has been. It's at the discretion 12 really of the community. I usually ask the community if 13 they'd like to have it. 14 And they have. This year there isn't one. And 15 according to the schedule [inaudible] there won't be one. 16 It'll be held in a different location. 17 MR. CHEN: Do you have an instructor named -- and 18 again I apologize for any mispronunciation -- 19 MR. PRAGER: Well, Mr. Chen, since I've had to 20 interrupt each time, if you give names, why don't you spell 21 out the names so that we have them correct on the record. 22 MR. CHEN: Do you have an instructor named Mauren, 23 M-a-u-r-e-n? 24 MS. ROMANO: That was a one-time event. So no, I 25 wouldn't consider her an instructor.</p>

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25 (97 to 100)

<p style="text-align: right;">97</p> <p>1 MR. CHEN: She was an instructor though on that one 2 time. 3 MS. ROMANO: It was a one-time event. 4 MR. CHEN: Was she paid? 5 MS. ROMANO: She was. 6 MR. CHEN: Am I correct in understanding that aside 7 -- at least in the recent past -- that aside from your 8 regularly scheduled classes, you've had these one-time 9 events, it looks like the health, yoga for health, and 10 Mauren's class? 11 MS. ROMANO: Yes. 12 MR. CHEN: What did Mauren instruct about? 13 MS. ROMANO: We co-led a class on partner yoga and 14 Thai massage. And at the request of the community. 15 MR. CHEN: How does that happen? The request of the 16 community, how do you do that? 17 MS. ROMANO: In classes, people ask me, hey, this 18 would be great, can you bring this to -- can you bring me 19 more information on this. And so I brought it. 20 MR. CHEN: Now as I understand your testimony, there 21 are occasions when you are present when these fill in 22 instructors are -- 23 MS. ROMANO: Yeah. Many times, if not most of the 24 time. 25 MR. CHEN: Are there occasions when more than one</p>	<p style="text-align: right;">99</p> <p>1 question. Did you build the street? 2 MS. ROMANO: No. I did not build the street. 3 MR. CHEN: Thank you very much. What is your 4 understanding of the total number of parking spaces that you 5 need? 6 MS. ROMANO: That I need? 7 MR. CHEN: Yep. For your conditional use. 8 MS. ROMANO: I'd say five to -- really five to 9 eight. But, you know, if I'm asking for 10 assuming -- and 10 I'll say 10, 10 cars. 11 MR. CHEN: And part of your proposal then is that 12 there'll be on street parking. 13 MS. ROMANO: Yes. 14 MR. CHEN: What happens if someone who's not 15 associated with your yoga classes is parking in one of those 16 spaces at the time of the yoga class? 17 MR. KLOPMAN: Objection. I think that's speculative, 18 Your Honor. I mean, -- 19 MR. PRAGER: Well, she could speculate because the 20 question is as she assigned parking spaces on the street, if 21 one of the spaces that she thinks is reserve for her classes, 22 is not available. 23 So I think it's a legitimate question. Mr. Chen, do 24 you want to repeat it and ask Ms. Romano? 25 MR. CHEN: As I understand it, and I don't want to</p>
<p style="text-align: right;">98</p> <p>1 instructor is giving a lesson or a class? 2 MS. ROMANO: No. 3 MR. CHEN: Your parking plan that Mr. Klopman showed 4 you this morning, shows parking in the street right of way 5 for both Falconbridge Drive and Falconbridge Terrace; isn't 6 that correct? 7 MS. ROMANO: Yes. 8 MR. CHEN: Did you, or you and your husband, 9 construct that part, the right of the way for the road? 10 MS. ROMANO: Did we construct the right of way? 11 MR. CHEN: The part of the road where your parking 12 will be. Did you, or you and your husband, construct that 13 area of the road? 14 MR. PRAGER: Mr. Chen, I'm not sure I understand the 15 question. What do you mean -- I thought it was a road? 16 MR. CHEN: Yeah. That's what I'm talking about. 17 They're showing parking in a right of way. 18 MR. KLOPMAN: Well, it's a street. 19 MR. CHEN: Okay. No, the right of way. I want to 20 know if they built it. It's relevant to these proceedings. 21 MR. PRAGER: Why do you think that anybody would 22 build a street? 23 MR. CHEN: I can be done. Your Honor, it can be 24 done. 25 MR. PRAGER: Right. Ms. Romano, he asked you a</p>	<p style="text-align: right;">100</p> <p>1 put words in your mouth, but your parking plan shows on 2 street parking. I think it's six -- 3 MS. ROMANO: Overflow. Most of the classes are 4 covered in the driveway. 5 MR. CHEN: Well, Ms. Romano, you are before a 6 government body with a plan, a parking plan; isn't that 7 correct? 8 MS. ROMANO: Mm-hmm. As approved by the planning 9 board and EMS. 10 MR. CHEN: That may not be the case, but you are 11 showing that you're going to have on street parking; correct? 12 MS. ROMANO: Yes. 13 MR. CHEN: My question is very simple. If at the 14 time that you are having a class, and someone who's not 15 associated with your class, not a pupil, not an instructor, 16 is already parking in one of those spots, how are you going 17 to handle that? 18 MS. ROMANO: Well, I guess there's just one less 19 parking spot we have. 20 MR. CHEN: And are you going to mark those parking 21 spaces? 22 MS. ROMANO: No. 23 MR. CHEN: Are you going to be able to reserve those 24 parking spaces on a public street? 25 MS. ROMANO: I don't think so. But usually during</p>

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<p>101</p> <p>1 that time there's plenty of on street parking. 2 MR. CHEN: Oh yeah. We've heard that. Thank you. 3 MS. ROMANO: So theoretically they could just park 4 somewhere else. 5 MR. CHEN: Well, you do have neighbors who have 6 people who come and visit them periodically; isn't that 7 right? 8 MS. ROMANO: Mm-hmm. 9 MR. CHEN: And as you say, the area in front of your 10 house on Falconbridge Drive and Falconbridge Terrace is part 11 of the public street. So those people coming to visit your 12 neighbors could park in those spaces; is that right? 13 MS. ROMANO: Sure. 14 MR. CHEN: Ms. Romano, have you filed a fire 15 department apparatus access plan for your conditional use? 16 MS. ROMANO: Not to my knowledge. 17 MR. CHEN: Do you even know what it is? 18 MS. ROMANO: I don't. 19 MR. CHEN: Have you received any written 20 authorization [inaudible]. As I understand it, Falconbridge 21 Drive and Falconbridge Terrace are county public roads; is 22 that right? 23 MS. ROMANO: Yes. 24 MR. CHEN: Has the county given you any written 25 authorization that you may utilize part of the right of way</p>	<p>103</p> <p>1 MS. ROMANO: No. 2 MR. KLOPMAN: Okay. So this is all pretty new to 3 you; correct? 4 MS. ROMANO: Yes. 5 MR. KLOPMAN: And quite frankly you're pretty 6 nervous; correct? 7 MS. ROMANO: I am Yeah. 8 MR. KLOPMAN: You could use some yoga right about 9 now. 10 MS. ROMANO: I do agree. Yeah. 11 MR. KLOPMAN: So I just want to make it clear. If 12 you receive a conditional use as you requested, for 60 people 13 a week as the top people coming to your house for yoga 14 related activities, will you comply with that? 15 MS. ROMANO: Absolutely. 16 MR. KLOPMAN: Okay. And that would be for all yoga 17 activities. 18 MS. ROMANO: All yoga activities. 19 MR. KLOPMAN: Okay. And then when you were talking 20 before about personal yoga and the classes, you got kind of 21 mixed up; correct? 22 MS. ROMANO: I did. 23 MR. KLOPMAN: Okay. 24 MS. ROMANO: I really did. 25 MR. KLOPMAN: The personal yoga, are they classes?</p>
<p>102</p> <p>1 on those two streets as on street parking for your 2 conditional use? 3 MS. ROMANO: Well, the planning board recommended 4 it, a parking plan, and that's where it came from. 5 MR. CHEN: Yeah. I understand that. But the planning 6 board is not the county. I'm asking you, do you have written 7 authorization from Montgomery County to have on street 8 parking at the place that you indicate on your plan -- 9 MS. ROMANO: No. 10 MR. CHEN: Thank you. 11 MS. ROMANO: I don't think so. 12 MR. CHEN: I have no further questions. 13 MR. PRAGER: All right. Thank you. Ms. Romano, you 14 may have a seat, you'll be re-called. Because well let's see 15 -- 16 MR. KLOPMAN: I don't think I'm going to be that 17 long. I think I can get it in by 1:15. 18 MR. PRAGER: Right. 19 MR. KLOPMAN: I think I can. 20 MR. PRAGER: Right. Then let's go ahead and do that. 21 MR. KLOPMAN: Okay. Thank you. Ms. Romano, have you 22 ever been involved in a legal proceeding before? 23 MS. ROMANO: No. 24 MR. KLOPMAN: Okay. Have you ever hired a lawyer 25 before?</p>	<p>104</p> <p>1 MS. ROMANO: No. 2 MR. KLOPMAN: Okay. Great. And you also testified 3 about sometimes you have individual sessions; correct? 4 MS. ROMANO: Yes. 5 MR. KLOPMAN: For one or maybe two people. 6 MS. ROMANO: Yes. 7 MR. KLOPMAN: You'll conclude that -- you're willing 8 -- 9 MS. ROMANO: That's within the 60 -- 10 MR. KLOPMAN: The 60 people. 11 MS. ROMANO: Absolutely. 12 MR. KLOPMAN: Absolutely. And the people that come 13 and teach your classes, those people of course will be 14 counted against the 60. 15 MS. ROMANO: Yes. 16 MR. KLOPMAN: Okay. And up until this proceeding, 17 until you filed for the conditional use application in 18 November, you hadn't had a sign in sheet, and you hadn't -- 19 and that was based in part on conversations you had with Andy 20 Jacob; is that correct? 21 MS. ROMANO: Yes. 22 MR. KLOPMAN: Okay. And what did he tell you about 23 if you had one or two people over? 24 MR. CHEN: Objection. 25 MR. KLOPMAN: Well, it's --</p>

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27 (105 to 108)

<p>105</p> <p>1 MR. CHEN: I know it's hearsay, but come on.</p> <p>2 MR. KLOPMAN: I think it's important to show her</p> <p>3 state of mind, Your Honor.</p> <p>4 MR. PRAGER: Okay. Mr. Chen, yes, your objection is</p> <p>5 it's hearsay; is that right?</p> <p>6 MR. CHEN: I think beyond hearsay. It is self-</p> <p>7 serving hearsay.</p> <p>8 MR. PRAGER: Well, it is. But I'll let it go anyway.</p> <p>9 Mr. Klopman, rephrase your question.</p> <p>10 MR. KLOPMAN: Just the question is, your discussions</p> <p>11 with Mr. Jacob about the whole process and about your having</p> <p>12 six or seven people that came to -- what did he say to you?</p> <p>13 MR. CHEN: Objection. If I may, Mr. Examiner.</p> <p>14 MR. PRAGER: Yes.</p> <p>15 MR. CHEN: What he is asking, very simply, has a</p> <p>16 public employee, a zoning inspector, told a person who's</p> <p>17 subject to [inaudible] don't worry about it, it's no big</p> <p>18 deal. That's what he's doing. That is this last question. Now</p> <p>19 --</p> <p>20 MR. PRAGER: Well, it may be. Let me interrupt you,</p> <p>21 Mr. Chen, because we do want to get through this if we can. I</p> <p>22 understand. And whatever he told her is really irrelevant.</p> <p>23 Because she filed the application as a result, she</p> <p>24 had been cited by the county, she had been told by a judge to</p> <p>25 stop her violations of her current permit, and then she went</p>	<p>107</p> <p>1 during the day?</p> <p>2 MS. ROMANO: None.</p> <p>3 MR. KLOPMAN: All right. Let's talk about those --</p> <p>4 will first let me show you. In the planning board staff</p> <p>5 report -- may I approach the witness, Your Honor?</p> <p>6 MR. PRAGER: Yes, you may.</p> <p>7 MR. KLOPMAN: Thank you.</p> <p>8 MR. PRAGER: While you're walking up here, we're</p> <p>9 talking about the --</p> <p>10 MR. KLOPMAN: We're talking about the planning board</p> <p>11 staff report which I believe --</p> <p>12 MR. CHEN: The staff report I didn't see in your</p> <p>13 exhibit list.</p> <p>14 MR. KLOPMAN: I see 64A. It says, technical staff</p> <p>15 report of 2/21/19 recommending approval of the conditional</p> <p>16 use. I thought that was different than the 64 where it says,</p> <p>17 planning board letter recommending.</p> <p>18 So 64A would be the report. So if you look at page</p> <p>19 five -- pardon me, page four of that report -- Ms. Romano,</p> <p>20 let me show you what's been marked as -- well it's not</p> <p>21 marked, it's in the record as part of the planning board</p> <p>22 report, 64A, I believe.</p> <p>23 MS. ROMANO: Yes.</p> <p>24 MR. KLOPMAN: Page four. And there's a picture there</p> <p>25 of your house, right, and it's in yellow highlight.</p>
<p>106</p> <p>1 and made this application. I'm not sure what the purpose of</p> <p>2 [inaudible] --</p> <p>3 MR. KLOPMAN: I'll move on, Your Honor. Thank you. I</p> <p>4 think I covered this. You recognized that any teacher that's</p> <p>5 at -- is counted towards the --</p> <p>6 MS. ROMANO: Yes.</p> <p>7 MR. KLOPMAN: The 10 per session and to the 60 a</p> <p>8 week.</p> <p>9 MS. ROMANO: Yes.</p> <p>10 MR. KLOPMAN: Okay. And you've indicated that the</p> <p>11 Sunday morning classes that you were doing, that was not part</p> <p>12 of the schedule, you're not going to do that anymore?</p> <p>13 MS. ROMANO: Those are off the schedule and they</p> <p>14 really were never part of it. They just moved temporarily.</p> <p>15 MR. KLOPMAN: And that's because once you filed the</p> <p>16 conditional use application, did you change the general</p> <p>17 schedule anyway?</p> <p>18 MS. ROMANO: Yes.</p> <p>19 MR. KLOPMAN: And then you didn't have classes on</p> <p>20 Mondays, Wednesdays, and Fridays?</p> <p>21 MS. ROMANO: Exactly.</p> <p>22 MR. PRAGER: Mr. Klopman, let's go back to asking</p> <p>23 questions.</p> <p>24 MR. KLOPMAN: So when you changed the schedule, did</p> <p>25 you have -- what if any classes did you have during the week,</p>	<p>108</p> <p>1 MS. ROMANO: Yes.</p> <p>2 MR. KLOPMAN: And in fact on this page it says how</p> <p>3 big your house is. Does that refresh your recollection?</p> <p>4 MS. ROMANO: Yes, yes, yes. 3,200, right.</p> <p>5 MR. KLOPMAN: Okay. And this picture does it not</p> <p>6 show the streets, Falconbridge Terrace and Falconbridge</p> <p>7 Drive?</p> <p>8 MS. ROMANO: Yes.</p> <p>9 MR. KLOPMAN: And do you see it, Your Honor?</p> <p>10 MR. PRAGER: Yes. What page are we talking about?</p> <p>11 MR. KLOPMAN: Page four of the planning board</p> <p>12 report, of the staff's report, pardon me.</p> <p>13 MR. PRAGER: Yes.</p> <p>14 MR. KLOPMAN: You see how the -- you see the streets</p> <p>15 there?</p> <p>16 MS. ROMANO: Yes.</p> <p>17 MR. KLOPMAN: Are there any cars parked on those</p> <p>18 streets?</p> <p>19 MR. CHEN: Objection. The document speaks for</p> <p>20 itself. Number two, there's no foundation for when this</p> <p>21 photograph was taken.</p> <p>22 [talking over each other]</p> <p>23 MR. PRAGER: Well, I understand. And Mr. Klopman, it</p> <p>24 does speak for itself. Mr. Chen, I think I'll prevent the</p> <p>25 question.</p>

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<p>109</p> <p>1 MR. KLOPMAN: Does this picture, page four in the 2 planning staff report, fairly and accurately depict the 3 parking conditions on Falconbridge Drive and Falconbridge 4 Terrace most of the time -- or typically during the day when 5 you've had your classes? 6 MS. ROMANO: Yes. 7 MR. CHEN: Objection. 8 MR. KLOPMAN: Thank you. 9 MR. CHEN: I object. But that's okay, Your Honor. 10 MR. PRAGER: It was her testimony that this is 11 fairly typical. It may not be, but that's what her testimony. 12 MR. KLOPMAN: And have you ever had a situation 13 since you've been having these classes where somebody tried 14 to park along your street, in front of your house, on your 15 property line, either on Falconbridge Drive or Falconbridge 16 Terrace, where they couldn't find a parking spot? 17 MS. ROMANO: No. 18 MR. KLOPMAN: So the hypothetical question that Mr. 19 Chen asked you has never occurred; correct? About somebody 20 [inaudible] correct? 21 MS. ROMANO: No. 22 MR. KLOPMAN: It has not occurred. Thank you. Just 23 for the record, Your Honor -- you submitted part of the 24 planning staff -- or part of your application, exhibit five, 25 you submitted photographs, 5C I think is one of the</p>	<p>111</p> <p>1 MR. KLOPMAN: Hold on. 2 MR. PRAGER: Are you talking about 15? 3 MR. KLOPMAN: I might be. I didn't have the list in 4 front of me. You're right, Your Honor. It's 15C. All these 5 pictures that you submitted, are those pictures that fairly 6 and accurately depict the conditions of parking -- 7 MS. ROMANO: Yes. 8 MR. KLOPMAN: -- in your neighborhood? 9 MS. ROMANO: Very much so. 10 MR. PRAGER: Let me ask, Ms. Romano, when were these 11 pictures taken? 12 MS. ROMANO: We did it in the morning time, if I 13 recall correctly. Around the time that I would have a yoga 14 class. 15 MR. PRAGER: All on the same day? 16 MS. ROMANO: Yeah. I think I did take all the 17 pictures on the same day. 18 MR. PRAGER: And these are pictures -- 19 MS. ROMANO: Ah, no. No, I didn't. Excuse me. Some 20 of those pictures were taken -- I wanted to depict the street 21 without cars, and then I do have some pictures with cars on 22 the streets, or in the driveway. 23 MR. PRAGER: And these are pictures that you 24 yourself took? 25 MS. ROMANO: Yes.</p>
<p>110</p> <p>1 photographs, and that's of your house; is that correct? 2 MS. ROMANO: Mm-hmm. Yes. 3 MR. KLOPMAN: And that shows what, in terms of your 4 house? It shows the street? 5 MS. ROMANO: The street, no cars along that street 6 at all. 7 MR. KLOPMAN: And that's on Falconbridge Drive. 8 MS. ROMANO: Yeah. And that was taken right around 9 the morning time. 10 MR. KLOPMAN: And does this picture fairly and 11 accurately show how the condition of parking on your street 12 is -- the overwhelming predominantly -- 13 MR. CHEN: Objection. Objection. How much leading 14 are we [inaudible] 15 MR. PRAGER: It is leading. 16 MR. KLOPMAN: Is this accurate -- 17 MS. ROMANO: That's typical. It's typical. And I'll 18 have lots of witnesses that will say -- 19 MR. PRAGER: Mr. Klopman, I didn't understand -- did 20 you say exhibit number five? 21 MR. KLOPMAN: In the book it's 5C, I believe. In the 22 exhibit list on the first page, it's part of the application. 23 Does it say it's five -- there are pictures? I don't have 24 that right -- 25 MR. PRAGER: No. I don't see that.</p>	<p>112</p> <p>1 MR. KLOPMAN: So the pictures of the driveway show 2 the cars in the driveway. And the other pictures of the 3 streets, do they fairly accurately depict the streets -- the 4 typical periods of your streets. 5 MS. ROMANO: Yes. 6 MR. KLOPMAN: Now you were asked about violations. 7 There was the first violation was January 22, 2017. Is that 8 correct? 9 MS. ROMANO: Yes. 10 MR. KLOPMAN: And Mr. Jacob came and what did he 11 tell you to do? 12 MS. ROMANO: He told me to get a home occupation 13 license. 14 MR. KLOPMAN: And you did that? 15 MS. ROMANO: I did that. Yeah. 16 MR. KLOPMAN: And so he wrote that the violation was 17 corrected; correct? 18 MS. ROMANO: Yes. 19 MR. KLOPMAN: And then another violation was 20 reported by a neighbor. And that was dated May 18, 2017; 21 correct? 22 MS. ROMANO: Correct. 23 MR. KLOPMAN: And he came out after that on June 24 14th. And he said you went and corrected it, and there were 25 five people there.</p>

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29 (113 to 116)

<p>113</p> <p>1 MS. ROMANO: Yes.</p> <p>2 MR. KLOPMAN: In that class.</p> <p>3 MS. ROMANO: Yes.</p> <p>4 MR. KLOPMAN: And then you had a violation notice,</p> <p>5 another neighbor, might be the same neighbor, who knows, made</p> <p>6 a complaint on July 12, 2017. And he followed up on August</p> <p>7 18th, that would be Mr. Jacob, and he found that you had</p> <p>8 corrected that; correct?</p> <p>9 MS. ROMANO: Yes.</p> <p>10 MR. KLOPMAN: Then in 2018, so you didn't receive</p> <p>11 any other violations in 2018, but you did receive a citation;</p> <p>12 correct?</p> <p>13 MS. ROMANO: Yes.</p> <p>14 MR. KLOPMAN: And that's kind of like what started</p> <p>15 you on the track of the conditional use.</p> <p>16 MS. ROMANO: Absolutely.</p> <p>17 MR. KLOPMAN: And Mr. Jacob took care of this;</p> <p>18 correct?</p> <p>19 MS. ROMANO: Yes.</p> <p>20 MR. KLOPMAN: In the sense that you didn't go to</p> <p>21 court.</p> <p>22 MS. ROMANO: Did not go to court.</p> <p>23 MR. KLOPMAN: Okay. And he told you, you didn't have</p> <p>24 to go to court; correct?</p> <p>25 MS. ROMANO: He did.</p>	<p>115</p> <p>1 consider this current application.</p> <p>2 But we don't really need, Mr. Klopman, to go --</p> <p>3 again to what she was told by somebody who said she was in</p> <p>4 violation and then said here's a way that you could possibly</p> <p>5 rectify this in the future.</p> <p>6 MR. KLOPMAN: After the citation --</p> <p>7 MR. CHEN: By the way, just on the same point, Mr.</p> <p>8 Klopman is making representations about the record that I'm</p> <p>9 concerned about.</p> <p>10 MR. PRAGER: Okay. Say that again.</p> <p>11 MR. CHEN: Mr. Klopman in his questioning has made</p> <p>12 representations about the record that are inaccurate.</p> <p>13 For instance, he talks about the one incident where</p> <p>14 it was five people -- that the zoning inspector said it was</p> <p>15 five on the date. In actuality my clients have provided for</p> <p>16 the actual citation and it's seven. It's not merely five.</p> <p>17 MR. PRAGER: We'll get to that when you present your</p> <p>18 testimony --</p> <p>19 MR. CHEN: Thank you, Your Honor.</p> <p>20 MR. KLOPMAN: All I'm trying to point out that the</p> <p>21 document that the other side presented shows that the</p> <p>22 violation was correct.</p> <p>23 MR. PRAGER: Well, the record will speak for itself.</p> <p>24 Can you hurry this along a little bit?</p> <p>25 MR. KLOPMAN: I'm going to [inaudible]. It came</p>
<p>114</p> <p>1 MR. CHEN: Objection.</p> <p>2 MR. KLOPMAN: Okay. I'm getting through this, Your</p> <p>3 Honor, very quickly.</p> <p>4 MR. CHEN: Wait, excuse me. [inaudible]</p> <p>5 MR. PRAGER: I'm sorry?</p> <p>6 MR. CHEN: The weight of this testimony, I go back</p> <p>7 to my objection, that they are essentially presenting to you</p> <p>8 that a public employee, and zoning enforcement officer, is</p> <p>9 telling someone, don't worry about the violation, you can</p> <p>10 keep on doing what you're doing.</p> <p>11 Now, you know, I'm offended by that as it's self-</p> <p>12 serving testimony. If this was the case, it should have been</p> <p>13 in the record before now. Indeed the zoning inspector, if she</p> <p>14 was relying upon, oh, I can do this, don't worry about it</p> <p>15 because it's a violation, because the zoning inspector says I</p> <p>16 can do it.</p> <p>17 The zoning inspector should have been a witness</p> <p>18 today and called today. It's unfair. It's unfair not only to</p> <p>19 my client, it's unfair to the county.</p> <p>20 MR. PRAGER: I understand. But as I said earlier</p> <p>21 when you made the objection, I don't care what he said. It</p> <p>22 doesn't really make any difference to me. The question is,</p> <p>23 was there a violation or not.</p> <p>24 And we're now at that point where the violations</p> <p>25 that were in the past, they will have a bearing on how I</p>	<p>116</p> <p>1 about the EMS. Phil Estes [ph] from the planning -- the staff</p> <p>2 of the planning board discussed this with you; correct?</p> <p>3 MR. CHEN: Objection. Beyond the scope of cross-</p> <p>4 examination.</p> <p>5 MR. KLOPMAN: He's the one that mentioned it.</p> <p>6 MR. CHEN: No. I never mentioned Phil Estes or EMS.</p> <p>7 MR. KLOPMAN: He talked about the -- talking to the</p> <p>8 emergency -- I thought he did.</p> <p>9 MR. CHEN: No. I did not.</p> <p>10 MR. PRAGER: No. I don't recollect anything like</p> <p>11 that. But --</p> <p>12 MR. KLOPMAN: Wait a second. Hold on. He talked</p> <p>13 about a plan involving --</p> <p>14 MR. CHEN: That is not the same thing at all.</p> <p>15 MR. KLOPMAN: Well, you opened the door regarding a</p> <p>16 plan, and I want to explain what she was told by Phil Estes</p> <p>17 of the staff of the planning board about EMS responses --</p> <p>18 response to her application. It's relevant.</p> <p>19 MR. CHEN: I never raised this --</p> <p>20 MR. PRAGER: If there's something in the record, you</p> <p>21 could raise it. But what he said or didn't say, again is</p> <p>22 complete hearsay, and I'm not going to take any -- I won't</p> <p>23 regard it in any event. So I think we don't need to do this.</p> <p>24 Now is --</p> <p>25 MR. KLOPMAN: All right. I --</p>

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<p>117</p> <p>1 MR. PRAGER: Yes. Go ahead. Mr. Klopman, what were 2 you going to say? 3 MR. KLOPMAN: I'm -- my redirect is done. 4 MR. PRAGER: All right. Redirect is done. Ms. 5 Romano, you will be re-called presumably for rebuttal. But I 6 will have some questions for you as well before that. So at 7 this point you can take your seat. And then I will call you 8 back when I'm ready to ask you questions. 9 MS. ROMANO: Okay. 10 MR. CHEN: Mr. Examiner, if I may, excuse me. I'd 11 ask that the rule be imposed, as in any other proceeding, 12 that the witness is under oath, and is still under the oath, 13 and does not talk about testimony even with counsel. 14 MR. KLOPMAN: She can -- that's not a rule. She can 15 talk to counsel. 16 MR. PRAGER: She can consult with her counsel. 17 MR. KLOPMAN: That's not a rule. 18 MR. PRAGER: Gentlemen, gentlemen -- 19 MR. CHEN: Well, if that's going to be their 20 position, then the privilege is waived on examination -- 21 [talking over each other] 22 MR. KLOPMAN: No, it's not -- 23 MR. PRAGER: Now let's move along. Mr. Klopman, who 24 are you going to call? 25 MR. KLOPMAN: What I would like to do is -- is Ms.</p>	<p>119</p> <p>1 Greenberg to tell us why she supports the application and 2 then ask her any follow up questions. Is that agreeable to 3 you, Your Honor? 4 MR. PRAGER: It is to me. Mr. Chen, do you have any 5 objection to that? 6 MR. CHEN: It's good for the goose, it's good for 7 the gander. 8 MR. PRAGER: Is that an answer? 9 MR. CHEN: Yeah. [inaudible] 10 [talking over each other] 11 MR. CHEN: That means that if you're going to allow 12 that by both presentation of testimony, then I'm going to 13 rely upon it as well. 14 MR. PRAGER: Well, yeah, you can certainly for -- 15 we've got two groups that are parties at this point. And 16 theoretically Ms. Greenberg is also a party because she's 17 testifying. But she has less of an interest. 18 So I'll let her recite what she was going to say. 19 And then obviously you're going to be able to cross-examine 20 her. 21 MR. KLOPMAN: And I might have some follow up 22 questions. But I just think it'd be quicker if we do it this 23 way, if that's acceptable. 24 MR. PRAGER: I agree with you. 25 MR. CHEN: I'm sure I'm going to have the same type</p>
<p>118</p> <p>1 Greenberg here? Can you come up? 2 MR. PRAGER: And Ms. Greenberg is the one that you 3 said has to leave by 1:30? 4 MR. KLOPMAN: Yes. 5 MR. PRAGER: Okay. 6 MR. KLOPMAN: And -- I'll wait till she gets to the 7 stand. 8 MR. PRAGER: Ms. Greenberg, would you kindly take a 9 seat up here? Ms. Greenberg, would you state your name 10 please? 11 MS. GREENBERG: Casey [ph] Greenberg. 12 MR. PRAGER: Would you spell your last name? 13 MS. GREENBERG: G-r-e-e-n-b-e-r-g. 14 MR. PRAGER: All right. And where do you live? 15 MS. GREENBERG: 15803 Seurat Drive. It's S-e-u-r-a- 16 t. 17 MR. PRAGER: All right. Do you swear to tell the 18 truth, the whole truth, and nothing but the truth? 19 MS. GREENBERG: I do. 20 MR. PRAGER: All right. 21 MR. KLOPMAN: Your Honor, the way I'd like to do 22 this so it would be quicker I think, is just she's here in 23 support of the application, Ms. Greenberg. And I understand 24 this is a quasi-judicial proceeding. 25 And I think it would be quicker if I just ask Ms.</p>	<p>120</p> <p>1 of witnesses. 2 MR. KLOPMAN: Now Ms. Greenberg, I need you to state 3 your full name, and spell it -- you already did spell it, so 4 the court already has that. Okay. Just trying to make sure I 5 cover everything. 6 And then I want you to -- you've already said your 7 address. So please tell us you're here in support of Natasha 8 Romano's application; correct? 9 MS. GREENBERG: Correct. 10 MR. KLOPMAN: Okay. And I want you to tell us why 11 you support the application. 12 MS. GREENBERG: I support Ms. Romano's application 13 for her Warrior One Studio's conditional use permit. I'm a 14 yoga student and friend of Natasha's. I've been going to her 15 studio for I believe approximately three years. 16 I started going to her studio, 'cause Natasha being 17 the person that she is, saw me struggling with pain when we 18 knew each other at our pool, and suggested that I come for -- 19 or actually she didn't even suggest that I come to yoga. 20 She actually suggested that she could help me and 21 gave me some things I could do really at the pool in order to 22 make me feel better, and how I could walk better, and just 23 relieve some of my pain. 24 And we actually started there. She gave me 25 suggestions that I could do, not even at her studio. So she</p>

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<p style="text-align: right;">121</p> <p>1 wasn't even encouraging me to come there. 2 But I chose on my own to come because the things she 3 gave me at the studio provided -- at the pool provided me 4 relief. And I started to just come for private lessons at her 5 home studio. 6 And 'cause I was anxious to actually come to a 7 class. Because one of the things I do deal with is some 8 anxiety. And have also recently been diagnosed with 9 fibromyalgia. 10 And Natasha has not only helped me with that, but 11 has researched how to help me with my fibromyalgia and has 12 taken it upon herself to help me deal with that. 13 And I support her studio because I don't know what 14 you know about larger studios, but they would not take the 15 time to personally research that. 16 And also during the time that I've gone to her 17 studio, not only dealt with my own personal illness, but have 18 dealt with the loss of a family member. 19 And it was a long term illness where my brother in 20 law was suffering from a lung transplant that he did not 21 recover from. And during that time, going to yoga helped me 22 get through it. 23 And the community of Warrior One helped me. And a 24 large yoga studio would not provide that support. Being in 25 someone's home studio provided that support.</p>	<p style="text-align: right;">123</p> <p>1 park in front of my house because we want to avoid a certain 2 neighbor. 3 And then it became now let's not park on 4 Falconbridge Terrace, we're going to spread out, we want to 5 make sure that we don't park on this street. And then it 6 became park in my driveway. 7 And for someone who gets nervous about parking, like 8 the one thing about today I was nervous about was where we 9 were going to park, I get nervous about parking like in 10 someone's driveway because, oh, there's so many cars. 11 So that's something I would remember is her telling 12 us to park in her cars -- I mean, in her driveway, because 13 there's going to be a lot of cars all parked close together. 14 So I know that this is something she's harped and talked 15 about a lot. 16 But I just want to say that her studio is a benefit. 17 It's benefitted me more than I can even begin to tell you. 18 And I guess that's it. So I mean, I've addressed the 19 Jones Lane issue, the parking issue, and just what she's done 20 for me. That's it. 21 MR. KLOPMAN: How long are the classes? 22 MS. GREENBERG: The one I attend is 9:15 to 10:30. 23 MR. KLOPMAN: Okay. So an hour and 15 minutes. 24 MS. GREENBERG: Correct. 25 MR. KLOPMAN: So once you park, where do you go?</p>
<p style="text-align: right;">122</p> <p>1 Natasha's community of people, the people that are 2 in this room, provided that support. So that is why the home 3 studio is so important. 4 But to speak about the parking, to speak about the 5 traffic, and the Jones Lane issues, I come from a neighboring 6 neighborhood. 7 I drive on Jones Lane and then turn onto 8 Falconbridge Road. I know at the last hearing we were at, 9 well their neighborhood association, a lot of people were 10 concerned about the Jones Lane Elementary School. 11 And when I come to Warrior One, the schoolchildren 12 are already at school. I've never seen a single school child 13 walking to school when I come to Warrior One. And I come to 14 the Monday, Wednesday, Friday, 9:15 class. 15 So that has -- I've never witnessed that being an 16 issue. I've never -- the crossing guard, I have seen the 17 crossing guard, and she is always getting in her car to leave 18 when I come. So she's leaving. 19 And the crossing guard always stays until she thinks 20 the last student would leave. So that's what I've always 21 witnessed. 22 And as far as parking, I've seen the evolution of 23 the parking issue. Natasha always starts her class with 24 announcements. And she makes the announcement of please park 25 in my driveway -- you know, it started of starting with don't</p>	<p style="text-align: right;">124</p> <p>1 MS. GREENBERG: In the -- we park in the driveway, 2 you go in, the studio has its door. And when I park on the 3 side street, there's a door around the back also in her 4 garage that goes straight in. 5 MR. KLOPMAN: And the classes are held in the 6 studio; correct? 7 MS. GREENBERG: Yeah. I've only -- unless I've been 8 at the carriage house which is where she's moved the studio. 9 MR. KLOPMAN: I'm just talking about in -- 10 MS. GREENBERG: In her -- yeah, in her studio. 11 MR. KLOPMAN: Okay. Let me just show you again the 12 same picture I showed Ms. Romano, page four of the planning 13 board. I just wanted her to [inaudible] which I believe is 14 59A. Can I show the witnesses? 15 MR. PRAGER: Yes. 16 MR. KLOPMAN: Ms. Greenberg, take a look at that 17 picture. That's, you see it's a picture of Natasha's house -- 18 MS. GREENBERG: Natasha's house. 19 MR. KLOPMAN: Okay. And it has streets, Falconbridge 20 Drive and Falconbridge Terrace. 21 MS. GREENBERG: Right. Now I see which is what. 22 Yeah. 23 MR. KLOPMAN: You see the streets -- does this 24 picture fairly and accurately depict the lack of cars on the 25 street when you go to the yoga classes?</p>

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<p>125</p> <p>1 MR. PRAGER: It's not the lack of cars. It's does it 2 fairly depict the -- 3 MR. KLOPMAN: What you find on the -- the condition 4 of the street, when you go to Ms. Romano's classes. 5 MS. GREENBERG: Yeah. I mean, if you're getting to 6 her house like before class is starting, this is what it 7 would look like. 8 MR. KLOPMAN: Thank you. And when you leave -- 9 MS. GREENBERG: After everybody leaves that's what 10 it would look like. 11 MR. KLOPMAN: Oh, I didn't ask. The number of people 12 -- who are the people that are going to the classes? 13 MS. GREENBERG: Well, you guys have called us middle 14 aged women. 15 MR. KLOPMAN: As an over middle aged man, I say that 16 with great respect. 17 MS. GREENBERG: I mean, I like to call us moms 18 instead of middle aged women. But ladies of the neighborhood. 19 MR. KLOPMAN: Lady of the neighbor- -- fine. And 20 typically how many people? 21 MS. GREENBERG: I mean, sometimes there's two of us 22 and sometimes there's eight of us. 23 MR. KLOPMAN: So -- 24 MS. GREENBERG: Two to eight. 25 MR. KLOPMAN: Thank you. Thank you.</p>	<p>127</p> <p>1 having Natasha talk about where we should park. But no other 2 -- I don't have any other personal knowledge. 3 MR. CHEN: Okay. And do you know if those complaints 4 were meritorious or not? 5 MS. GREENBERG: From hearing the testimony, and 6 knowing that the person did come to Natasha's house, and 7 knowing that the county inspector came to Natasha's house. 8 But that would be the only knowledge I have of 9 knowing whether they were meritorious. So no. 10 MR. CHEN: Okay. But you're aware then that she has 11 been cited for violating the rules or -- 12 MS. GREENBERG: I do have -- yes. 13 MR. CHEN: Okay. The photo you just saw. 14 MS. GREENBERG: Yes. 15 MR. CHEN: I listened kind of carefully to your 16 answer. And you said that the photograph showed the street as 17 you see it before the class and how it looks after the class; 18 right? 19 MS. GREENBERG: Right. Because the cars weren't 20 there for the students. Because there weren't cars in the 21 driveway even. 22 MR. CHEN: Have you seen any photographs of what 23 that area looks like during a class? 24 MS. GREENBERG: Well, I've been to the -- during the 25 class.</p>
<p>126</p> <p>1 MR. PRAGER: Mr. Chen, are you -- are you done, Mr. 2 Klopman? 3 MR. KLOPMAN: I think so. Yeah. 4 MR. PRAGER: Mr. Chen? 5 MR. CHEN: Who's the certain person? 6 MR. PRAGER: I'm sorry, would you say that again? I 7 couldn't hear you. 8 MR. CHEN: I apologize. Who is the certain neighbor? 9 MS. GREENBERG: The certain neighbor? 10 MR. CHEN: That's your term. Yeah. You said certain 11 neighbor. Who is it? 12 MS. GREENBERG: Oh, I said certain -- you mean that 13 complained? 14 MR. CHEN: Ma'am, you said -- 15 MS. GREENBERG: I said certain -- I don't remember 16 what I said. But I guess I said certain neighbor. 17 MR. CHEN: Yeah. I quoted you. 18 MS. GREENBERG: So I never knew who the certain 19 neighbor was. But I learned today, just today that there's -- 20 the neighbor's name is Huber. But I didn't know that before. 21 MR. CHEN: And are you aware of any complaints that 22 Huber filed? 23 MS. GREENBERG: Am I personally aware? 24 MR. CHEN: Yeah. 25 MS. GREENBERG: Only from attending the classes,</p>	<p>128</p> <p>1 MR. CHEN: What have you seen? 2 MS. GREENBERG: Well, there'd be cars on the 3 driveway and there would be cars on Falconbridge Terrace on 4 the area by Natasha's house. There were times when there were 5 -- and Natasha even spoke to it herself -- cars on both sides 6 of Falconbridge Terrace. And that was a problem. And it's 7 been admittedly a problem. And that has been rectified. 8 MR. CHEN: How? 9 MS. GREENBERG: People don't park on both sides of 10 Falconbridge Terrace anymore. 11 MR. CHEN: Okay. So it's your testimony that you 12 know that people no longer park on both sides of Falconbridge 13 Terrace, you know that for a fact. 14 MS. GREENBERG: I guess I can't say that for a fact 15 because there could also be people visiting the neighbors, 16 like visiting the house -- I mean, I know the names of the 17 neighbors that live there. 18 So if somebody's visiting the Wagners or the Prices, 19 their friends may park on those sides of the street. 20 MR. CHEN: [inaudible] 21 MS. GREENBERG: Correct. 22 MR. CHEN: So that anyone can park in those street 23 right of ways; isn't that correct? 24 MS. GREENBERG: Correct. But that would not be to 25 the fault of the yoga student.</p>

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<p>129</p> <p>1 MR. CHEN: It would not be to the fault --</p> <p>2 MS. GREENBERG: To the fault of a -- if somebody</p> <p>3 parked at her neighbors across the street, that would not be</p> <p>4 to the fault of a yoga student who is also lawfully parking</p> <p>5 at Natasha's house.</p> <p>6 If Natasha also had a friend over at her house when</p> <p>7 it wasn't a yoga class, they could park on Natasha's street</p> <p>8 and on the other side of the street.</p> <p>9 MR. CHEN: Is it your testimony that yoga students</p> <p>10 have never parked on both sides of --</p> <p>11 MS. GREENBERG: No. I didn't say that.</p> <p>12 MR. CHEN: Okay. I just want to be clear.</p> <p>13 MS. GREENBERG: Okay.</p> <p>14 MR. CHEN: Because you made some comments not to the</p> <p>15 fault of yoga students, so [inaudible]</p> <p>16 MS. GREENBERG: Right. I did say that. But the</p> <p>17 people who park -- there's no sign that says you can't park -</p> <p>18 - you know like in some neighborhoods they say you can only</p> <p>19 park on one side of the street.</p> <p>20 And there's no sign there that says you can't park</p> <p>21 on both sides of the street.</p> <p>22 MR. CHEN: But your testimony is that -- well excuse</p> <p>23 me, strike that. Is it your testimony that people no longer</p> <p>24 park on both sides of Falconbridge Terrace?</p> <p>25 MS. GREENBERG: They have been instructed not to</p>	<p>131</p> <p>1 MS. GREENBERG: Can I look at that picture?</p> <p>2 MR. CHEN: Mr. Examiner, may I approach?</p> <p>3 MR. PRAGER: Yes.</p> <p>4 MR. CHEN: For the record, Your Honor, I'm showing</p> <p>5 the lady page eight of the [inaudible]</p> <p>6 MR. KLOPMAN: That's not the number I use.</p> <p>7 [talking over each other]</p> <p>8 MR. PRAGER: Just a moment. Mr. Klopman, what is</p> <p>9 your --</p> <p>10 [talking over each other]</p> <p>11 MS. GREENBERG: There is a house, I guess. But it's</p> <p>12 just the side of a house. So, but it's this area here I</p> <p>13 parked.</p> <p>14 MR. PRAGER: What area -- describe it for the</p> <p>15 record.</p> <p>16 MS. GREENBERG: It's -- I don't know north and east,</p> <p>17 but it's across Falconbridge Terrace -- I mean, across</p> <p>18 Falconbridge Drive. My middle aged eyes can't read the --</p> <p>19 MR. PRAGER: Your mom eyes.</p> <p>20 MS. GREENBERG: My mom eyes. But it's Falconbridge -</p> <p>21 - I can't read it. But it's this area right here.</p> <p>22 MR. CHEN: It appears to be [inaudible] towards</p> <p>23 Jones Lane.</p> <p>24 MS. GREENBERG: No. it's not going towards Jones</p> <p>25 Lane. It's actually perpendicular to there.</p>
<p>130</p> <p>1 park on both sides. So --</p> <p>2 MR. CHEN: I -- is --</p> <p>3 MR. KLOPMAN: Can she finish?</p> <p>4 MS. GREENBERG: Can I finish?</p> <p>5 MR. CHEN: Sure. Go right ahead.</p> <p>6 MS. GREENBERG: Even if you were to show me a</p> <p>7 picture of cars parked on both sides of the street, I can't -</p> <p>8 - I don't know if those are yoga students. All I know is that</p> <p>9 we've been instructed not to park on both sides of the</p> <p>10 street.</p> <p>11 MR. CHEN: Right. So the testimony is [inaudible]</p> <p>12 your testimony is that Ms. Romano has said to students don't</p> <p>13 park on both sides of Falconbridge Terrace.</p> <p>14 MS. GREENBERG: She's actually instructed people to</p> <p>15 only park on the side of the -- on the property that is</p> <p>16 abutting her house.</p> <p>17 MR. CHEN: Okay. Has she addressed to the students</p> <p>18 the circumstance where if somebody has already parked in</p> <p>19 those areas, and where therefore the students should park</p> <p>20 instead.</p> <p>21 MS. GREENBERG: Well, I don't know that she has said</p> <p>22 this, but there's also across Falconbridge Drive, there's</p> <p>23 another area where I have parked, that there's no house, and</p> <p>24 there's parking there.</p> <p>25 MR. CHEN: Where is that, ma'am?</p>	<p>132</p> <p>1 [talking over each other]</p> <p>2 MR. CHEN: It appears by looking at your circle that</p> <p>3 you're parking on Falconbridge Terrace.</p> <p>4 MS. GREENBERG: But on the other side of</p> <p>5 Falconbridge Drive.</p> <p>6 MR. CHEN: Your Honor, what I'll do is during a</p> <p>7 break, I'll get a photograph, photocopy of this [inaudible]</p> <p>8 MR. PRAGER: And we will then mark it as exhibit</p> <p>9 number 67.</p> <p>10 MR. CHEN: Let me write that down. 67, Your Honor?</p> <p>11 MR. PRAGER: Yes. And you'll mark that with an X, or</p> <p>12 it has been marked with an X?</p> <p>13 MR. CHEN: Why don't I do this, if I may approach?</p> <p>14 MR. PRAGER: Sure. Okay. I think I see it. Is this -</p> <p>15 - right. Why don't you show that to Mr. Klopman and to the</p> <p>16 witness first.</p> <p>17 MR. CHEN: Does that satisfy you [inaudible]</p> <p>18 MS. GREENBERG: Yes.</p> <p>19 MR. KLOPMAN: Yeah.</p> <p>20 MR. CHEN: I have no further questions for this</p> <p>21 witness.</p> <p>22 MR. KLOPMAN: I have a couple.</p> <p>23 MR. PRAGER: I'm sorry, what was that?</p> <p>24 MR. KLOPMAN: He said he had no more questions.</p> <p>25 MR. PRAGER: Mr. Chen, did you --</p>

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<p>133</p> <p>1 MR. CHEN: That's correct.</p> <p>2 MR. PRAGER: Okay. I made a mistake earlier today,</p> <p>3 which I'm going to rectify in part now, and rectify a little</p> <p>4 after Ms. Greenberg steps down. Mr. Klopman, you can have a</p> <p>5 seat.</p> <p>6 MR. KLOPMAN: I have a couple questions.</p> <p>7 MR. PRAGER: I understand that. But you can have a</p> <p>8 seat. There were two people, Agresti and Mr. Patel, who were</p> <p>9 here to oppose. Do either of you, Mr. Agresti and Mr. Patel,</p> <p>10 do you have any questions for this witness?</p> <p>11 [Inaudible]. Okay. [Inaudible] Now, I have a couple</p> <p>12 of questions for you. First of all, you said where you lived.</p> <p>13 Would you repeat that please?</p> <p>14 MS. GREENBURG: 15803 Seurat Drive, North Potomac.</p> <p>15 MR. PRAGER: Okay. I don't know that area so I'm not</p> <p>16 familiar with it. Would you tell me how long -- you drive to</p> <p>17 work; is that correct?</p> <p>18 MS. GREENBURG: To work or to yoga?</p> <p>19 MR. PRAGER: I'm sorry. To yoga.</p> <p>20 MS. GREENBURG: I do.</p> <p>21 MR. PRAGER: All right. And how long does it take</p> <p>22 you?</p> <p>23 MS. GREENBURG: About seven minutes.</p> <p>24 MR. PRAGER: And seven minutes. How far away do you</p> <p>25 estimate that you live?</p>	<p>135</p> <p>1 the Warrior One studio. It was at her other location.</p> <p>2 MR. PRAGER: No. I'm only asking about the Warrior</p> <p>3 One location.</p> <p>4 MS. GREENBURG: I haven't been to a class at Warrior</p> <p>5 One for quite some time because she's moved the Monday,</p> <p>6 Wednesday, Friday class to the Carriage House in the</p> <p>7 Kentlands.</p> <p>8 MR. PRAGER: All right. So when was the last time</p> <p>9 that you participated at Warrior One?</p> <p>10 MS. GREENBURG: When did she move the classes up?</p> <p>11 MR. PRAGER: No. I'm asking you --</p> <p>12 MS. GREENBURG: It's been months.</p> <p>13 MR. PRAGER: All right. So you don't know anything</p> <p>14 about current conditions at Warrior One; do you?</p> <p>15 MS. GREENBURG: Not for several months. No. I'm just</p> <p>16 trying to remember if I've been to a night class recently,</p> <p>17 but I don't -- I can't recall the last time I went to a night</p> <p>18 class.</p> <p>19 MR. PRAGER: Okay. Before I forget to ask this</p> <p>20 question, you were reading from notes or a script there.</p> <p>21 MS. GREENBURG: No. Just handwritten notes that I've</p> <p>22 jotted down this morning.</p> <p>23 MR. PRAGER: All right. So these are notes that you</p> <p>24 yourself wrote without any participation by anybody else.</p> <p>25 MS. GREENBURG: Correct.</p>
<p>134</p> <p>1 MS. GREENBURG: From Natasha?</p> <p>2 MR. PRAGER: Yes.</p> <p>3 MS. GREENBURG: About two miles.</p> <p>4 MR. PRAGER: All right. So you're not an immediate</p> <p>5 neighbor at all of this --</p> <p>6 MS. GREENBURG: No.</p> <p>7 MR. PRAGER: -- studio.</p> <p>8 MS. GREENBURG: I'm in the next neighborhood over.</p> <p>9 MR. PRAGER: Right. So and you don't bike to</p> <p>10 locations.</p> <p>11 MS. GREENBURG: I do not.</p> <p>12 MR. PRAGER: All right. Or walk?</p> <p>13 MS. GREENBURG: No.</p> <p>14 MR. PRAGER: Is that correct? You testified that</p> <p>15 you've been in classes where there were two to eight people</p> <p>16 in the class; right?</p> <p>17 MS. GREENBURG: Correct.</p> <p>18 MR. PRAGER: Now, this is a difficult question</p> <p>19 because memories are not all that accurate. But when do you</p> <p>20 think the last time you had a class with eight people in it?</p> <p>21 MS. GREENBURG: I was in a class with eight people -</p> <p>22 -</p> <p>23 MR. PRAGER: A month ago? Two months ago? Three</p> <p>24 months ago? Five months ago? A year ago?</p> <p>25 MS. GREENBURG: Well, recently, but it was not at</p>	<p>136</p> <p>1 MR. PRAGER: All right. Now, you also testified</p> <p>2 about -- that Ms. Romano tells people that -- where to park</p> <p>3 these days, though what you were talking about was several</p> <p>4 months ago. So you don't know whether she's still doing that.</p> <p>5 But aside from that, what sort of monitor did you</p> <p>6 notice that she engaged in to see that her instructions were</p> <p>7 followed?</p> <p>8 MS. GREENBURG: Well, the class -- the Warrior One</p> <p>9 studio has glass windows so she can see if people are parked</p> <p>10 where they should not be parking. And she -- we're all</p> <p>11 responsible people, so if she would make the announcement,</p> <p>12 you would know if somebody didn't follow the rules.</p> <p>13 MR. PRAGER: All right. Did you -- when you were</p> <p>14 there, did you park in her driveway at all?</p> <p>15 MS. GREENBURG: I have parked in her driveway.</p> <p>16 MR. PRAGER: And what happens or happened if it did</p> <p>17 and you needed to leave but there were cars blocking your</p> <p>18 exit? Did that ever occur?</p> <p>19 MS. GREENBURG: Well, everybody leaves roughly at</p> <p>20 the same time when class ends. I mean, sometimes we chit-chat</p> <p>21 afterwards, but if you need to leave, you just say, I need to</p> <p>22 leave. Somebody moves their car.</p> <p>23 MR. PRAGER: All right. Well, I may have some</p> <p>24 follow-up questions if -- but let's go. Mr. Klopman, you had</p> <p>25 -- you wanted some rebuttal time --</p>

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<p>137</p> <p>1 MR. KLOPMAN: Yeah. I just have --</p> <p>2 MR. PRAGER: -- with the witness?</p> <p>3 MR. KLOPMAN: Real quick. Less than 60 seconds.</p> <p>4 Okay. Now, Ms. Greenburg, you testified that since you filed</p> <p>5 this application for additional use, you've had to go to the</p> <p>6 Carriage House, an off-site place; is that correct?</p> <p>7 MS. GREENBURG: Correct.</p> <p>8 MR. KLOPMAN: Okay. So and since that time, the</p> <p>9 schedule has been all different; correct?</p> <p>10 MS. GREENBURG: Correct.</p> <p>11 MR. KLOPMAN: So I'm -- when you were talking about</p> <p>12 people in the home yoga studio and where you parked when --</p> <p>13 and when you put your X, that was before the conditional use</p> <p>14 permit was applied for; correct?</p> <p>15 MS. GREENBURG: Correct. I haven't been to her home</p> <p>16 studio for months.</p> <p>17 MR. KLOPMAN: So but when -- you understand now,</p> <p>18 correct, that looking at page 8 of the staff report, you see</p> <p>19 the squares for the parking in the driveway? You see that?</p> <p>20 MS. GREENBURG: Yes.</p> <p>21 MR. KLOPMAN: And the squares along Falcon Bridge</p> <p>22 Drive and Falcon Bridge Terrace?</p> <p>23 MS. GREENBURG: Correct.</p> <p>24 MR. KLOPMAN: Okay. What have you been told about</p> <p>25 where to park in terms of the driveway and where these</p>	<p>139</p> <p>1 sheet?</p> <p>2 MR. PRAGER: Objection. I never touched that.</p> <p>3 MR. KLOPMAN: Well, you didn't -- you asked about</p> <p>4 monitoring and this has to do with monitoring.</p> <p>5 MR. PRAGER: All right. Rephrase your question. What</p> <p>6 --</p> <p>7 MR. KLOPMAN: Mr. Hearing Examiner asked you about</p> <p>8 the monitoring of instructions and now -- is there a sign-in</p> <p>9 sheet now?</p> <p>10 MS. GREENBURG: Yeah. There's an app online, Mind</p> <p>11 Body, that you have to sign up to go to a class.</p> <p>12 MR. KLOPMAN: Okay. And that's how she keeps track</p> <p>13 of the --</p> <p>14 MR. PRAGER: Wait. I keep getting back. Ms.</p> <p>15 Greenburg has testified she has not been there for several</p> <p>16 months, sir. We haven't --</p> <p>17 MR. KLOPMAN: I understand that. But --</p> <p>18 MR. PRAGER: So whether or not there are sign-up</p> <p>19 sheets is not something that she knows.</p> <p>20 MR. KLOPMAN: She -- let me --</p> <p>21 MS. GREENBURG: This is just for yoga in general.</p> <p>22 Even for the Carriage House classes, we have to sign up.</p> <p>23 MR. PRAGER: Well, the Carriage House classes are</p> <p>24 very different from that. Let's keep it here and current what</p> <p>25 -- currently. And your knowledge is not current. So Mr.</p>
<p>138</p> <p>1 squares are?</p> <p>2 MS. GREENBURG: That's where we would park now.</p> <p>3 MR. KLOPMAN: Yeah. Okay. So that's what you</p> <p>4 understand. Where you parked that's in 67, that was before</p> <p>5 the conditional use. And that was -- how often did you park</p> <p>6 there?</p> <p>7 MS. GREENBURG: Maybe twice. And that was when we</p> <p>8 were on the spreading out.</p> <p>9 MR. KLOPMAN: Right. That's when you were trying to</p> <p>10 figure out how to --</p> <p>11 MS. GREENBURG: Right. When -- that was when we were</p> <p>12 in the evolution of the parking. We were spreading out and</p> <p>13 now it's changed.</p> <p>14 MR. PRAGER: Well, you say -- you keep saying now</p> <p>15 but of course you haven't been there for several months, so -</p> <p>16 -</p> <p>17 MS. GREENBURG: Right. But I haven't parked there</p> <p>18 now. When I parked in that spot, that was when we were under</p> <p>19 the spreading out. I haven't -- I have not been into her home</p> <p>20 studio. I go to yoga at the Carriage House in the Kentlands</p> <p>21 now.</p> <p>22 MR. PRAGER: Mr. Klopman, are you done?</p> <p>23 MR. KLOPMAN: I think I had one other question based</p> <p>24 upon something you asked her. In terms of the compliance, you</p> <p>25 understand on her website now is there some type of sign-in</p>	<p>140</p> <p>1 Klopman?</p> <p>2 MR. KLOPMAN: That's all I have here.</p> <p>3 MR. PRAGER: All right. Ms. Greenburg, you may step</p> <p>4 down. Thank you very much for testifying. Now, Mr. Klopman,</p> <p>5 you said that there was one other witness you wanted to have</p> <p>6 --</p> <p>7 MR. KLOPMAN: No. I wanted -- there's another person</p> <p>8 with a time problem. Can I just get through with the --</p> <p>9 MR. PRAGER: That's what I mean.</p> <p>10 FEMALE: Continue. Continue with [inaudible]</p> <p>11 MR. KLOPMAN: Continue. I'm going to keep going.</p> <p>12 MR. PRAGER: We'll off the record now.</p> <p>13 We're back on the record and during the</p> <p>14 intermission, we talked briefly about Mr. Patel testifying</p> <p>15 out of order because as I understand it, he has some time</p> <p>16 constraints. And Mr. Klopman is not happy with the idea but</p> <p>17 not -- you were -- you're not going to oppose it.</p> <p>18 MR. KLOPMAN: Yeah. I'm not happy with the idea.</p> <p>19 That's correct. It's a [inaudible]</p> <p>20 MR. PRAGER: Well, Mr. Patel is going to testify, he</p> <p>21 said, for about 10 minutes. Mr. Patel, would you come up here</p> <p>22 and take a seat? Mr. Patel, would you state your full name</p> <p>23 again please.</p> <p>24 MR. PATEL: My name is Bhaskar Patel.</p> <p>25 MR. PRAGER: Okay. And you spoke fairly quickly this</p>

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<p>141</p> <p>1 morning. So would you spell your first name?</p> <p>2 MR. PATEL: Sure. B-h-a-s-k-a-r, last name Patel, P-</p> <p>3 a-t-e-l.</p> <p>4 MR. PRAGER: All right. And where do you live?</p> <p>5 MR. PATEL: I live right across the street from Ms.</p> <p>6 Romano's place, just [inaudible] from her property.</p> <p>7 MR. PRAGER: Okay.</p> <p>8 MR. PATEL: So 2265 Falcon Bridge Drive.</p> <p>9 MR. PRAGER: Good. Would you raise your right hand</p> <p>10 please? Do you swear to tell the truth, the whole truth, and</p> <p>11 nothing but the truth?</p> <p>12 MR. PATEL: I do.</p> <p>13 MR. PRAGER: All right. So would you like to give</p> <p>14 your testimony? But before you do, let me just ask you, you</p> <p>15 wrote this testimony yourself; is that correct?</p> <p>16 MR. PATEL: Yes. It's not really a testimony but</p> <p>17 just a general statement and my feelings about what I feel</p> <p>18 about this whole situation.</p> <p>19 MR. PRAGER: All right. And nobody else helped you</p> <p>20 write this?</p> <p>21 MR. PATEL: No. No one. [Inaudible]</p> <p>22 MR. PRAGER: Okay. Go ahead.</p> <p>23 MR. PATEL: Okay. I've lived in this neighborhood,</p> <p>24 which is quiet, this whole neighborhood, and I bought this</p> <p>25 property just for that reason. And it's -- the entire</p>	<p>143</p> <p>1 you go up, and Mr. Chen, and take a look at what he proposes,</p> <p>2 which will be an exhibit. All right.</p> <p>3 MR. KLOPMAN: I'll be able to ask questions, Your</p> <p>4 Honor.</p> <p>5 MR. PRAGER: Okay. Mr. Chen?</p> <p>6 MR. CHEN: I've seen the photograph of it.</p> <p>7 [Inaudible]</p> <p>8 MR. PRAGER: Mr. Patel? Okay. So can you hand me</p> <p>9 that please? Mr. Patel, this is marked as page 38 presumably</p> <p>10 of an exhibit that's already been in the record; is that</p> <p>11 correct?</p> <p>12 MR. PATEL: Yes. I obtained this. I asked Mr. Huber</p> <p>13 to show me some [inaudible] because I didn't have any</p> <p>14 pictures for record. So I asked to see if he can add in</p> <p>15 [inaudible] my testimony.</p> <p>16 MR. PRAGER: And you asked whom; I'm sorry?</p> <p>17 MR. PATEL: Mr. Huber.</p> <p>18 MR. PRAGER: Okay. The --</p> <p>19 MR. KLOPMAN: The opponents, Your Honor.</p> <p>20 MR. PRAGER: Pardon? One of the opponents.</p> <p>21 MR. KLOPMAN: The opposition.</p> <p>22 MR. PRAGER: Right. So we don't have to mark this as</p> <p>23 a separate exhibit. It's already in the case. Mr. Chen,</p> <p>24 you're the one who grabbed this file. What's the -- we know</p> <p>25 it's page 38 of which exhibit?</p>
<p>142</p> <p>1 property's designed such that all properties are a zig-zag</p> <p>2 fashion.</p> <p>3 And all the driveways [inaudible] back up to each</p> <p>4 other, so there is a convenience for people not to create any</p> <p>5 accidents or anything. But when I drive next to Ms. Romano's</p> <p>6 location, I find it very confusing because there is oncoming</p> <p>7 traffic on both sides, either going out or coming in.</p> <p>8 There are all the time cars that are parked in</p> <p>9 numerous locations which I find is very [inaudible] for me to</p> <p>10 do -- to drive comfortably without creating an accident. So</p> <p>11 that's my main concern is that I did not buy property just to</p> <p>12 create a surface there.</p> <p>13 I don't -- I like [inaudible] manner and that's</p> <p>14 where my main objection is. And I -- several occasion, I saw</p> <p>15 other cars parked on the streets, not where Ms. Romano's park</p> <p>16 -- driveway [inaudible] and I have [inaudible] to show you</p> <p>17 that all the cars are parked on the street but not on her own</p> <p>18 driveway. Not a single car.</p> <p>19 So that is very objectionable to me, why all her</p> <p>20 [inaudible] not take care of [inaudible] their own property</p> <p>21 and then park there.</p> <p>22 MR. PRAGER: Is that the extent of your testimony at</p> <p>23 this point?</p> <p>24 MR. PATEL: Yes, sir.</p> <p>25 MR. PRAGER: Okay. Would you -- Mr. Klopman, would</p>	<p>144</p> <p>1 MR. CHEN: It's 44 I think. 46.</p> <p>2 MR. KLOPMAN: It's the chronology. I'm told it's the</p> <p>3 chronology. It's 46.</p> <p>4 MR. PRAGER: It's page [inaudible]</p> <p>5 MR. KLOPMAN: He said it's page 38.</p> <p>6 MR. PRAGER: Of Exhibit 46. Right. So there can be</p> <p>7 no objection to this. Mr. Klopman, do you have any objection?</p> <p>8 MR. KLOPMAN: It's already in the record, Your</p> <p>9 Honor.</p> <p>10 MR. PRAGER: Right. I understand. So I'm just</p> <p>11 verifying that you have no objection to this.</p> <p>12 MR. KLOPMAN: Well, it wouldn't matter at this</p> <p>13 point.</p> <p>14 MR. PRAGER: That's true. Mr. Klopman, do you have</p> <p>15 any questions you'd like to --?</p> <p>16 MR. KLOPMAN: I do, Your Honor. I'll be as succinct</p> <p>17 as I can. Mr. Patel, how long have you lived in the</p> <p>18 neighborhood?</p> <p>19 MR. PATEL: I bought this property in 1994 so</p> <p>20 [inaudible] for 25 years.</p> <p>21 MR. KLOPMAN: Okay. When did you find out that Ms.</p> <p>22 Romano had a home yoga studio?</p> <p>23 MR. PATEL: I don't recall. I --</p> <p>24 MR. KLOPMAN: Was it within a month ago? A week ago?</p> <p>25 Three months ago?</p>

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<p>145</p> <p>1 MR. PATEL: No. I have -- there were cars parked 2 there for several years. So I cannot think what exactly year. 3 Whichever year. Yes. 4 MR. KLOPMAN: The picture you pulled out is dated 5 April 19th, 2018; correct? 6 MR. PATEL: That's correct. 7 MR. KLOPMAN: And it was handed to you and given to 8 you by the Hubers, your neighbors; correct? 9 MR. PATEL: Yes. 10 MR. KLOPMAN: Okay. And they're friends of yours; 11 correct? 12 MR. PATEL: That doesn't matter. I can see and I 13 [inaudible] and I remember so it's irrelevant. 14 MR. KLOPMAN: Okay. They are friends of yours; 15 correct? Please answer the -- 16 MR. PATEL: Yes. They are very good neighbors. Yes. 17 MR. KLOPMAN: Okay. Thank you. And do you work, sir? 18 MR. PATEL: Yes. I do. 19 MR. KLOPMAN: And who do you work for? 20 MR. PATEL: I work for the Montgomery County 21 government. 22 MR. KLOPMAN: And what time -- do you go to work 23 five days a week? 24 MR. PATEL: Yes. 25 MR. KLOPMAN: Okay. And what time do you leave for</p>	<p>147</p> <p>1 that most of the people in the neighborhood either park on 2 the garage or park in -- or on the driveway; correct? 3 MR. PATEL: Yes. 4 MR. KLOPMAN: Along Falcon Bridge Drive, no -- one 5 or none you typically park on Falcon Bridge Drive; isn't that 6 correct? 7 MR. PATEL: No. That's not correct. 8 MR. KLOPMAN: All right. Well, would you say only a 9 few people park on Falcon Bridge Drive? 10 MR. PATEL: Yeah. The residents, they may park there 11 on the street. 12 MR. KLOPMAN: Most of the people park in their 13 driveways or their garages though; correct? 14 MR. PATEL: Yes. 15 MR. KLOPMAN: [Inaudible] 16 MR. PATEL: Yes. 17 MR. KLOPMAN: Okay. Let me show you what's been -- 18 it's page 4 of the staff report which is -- I believe is 19 Exhibit 64. And that's a picture of Falcon Bridge Drive and 20 Falcon Bridge Terrace; correct? 21 MR. PATEL: Yeah. 22 MR. KLOPMAN: And Ms. Romano's house. 23 MR. PATEL: Yes. 24 MR. KLOPMAN: And your house is in that picture too; 25 right?</p>
<p>146</p> <p>1 work? 2 MR. PATEL: Around 7:00 o'clock. 3 MR. KLOPMAN: Seven in the morning. And what time do 4 you come home? 5 MR. PATEL: Around 4:30. 6 MR. KLOPMAN: 4:30. Every day. 7 MR. PATEL: Well, it [inaudible] 8 MR. KLOPMAN: Monday through Friday. 9 MR. PATEL: Sometimes -- yes. [Inaudible] 10 MR. KLOPMAN: And on Saturday, do you work on 11 Saturday? 12 MR. PATEL: No. I don't. 13 MR. KLOPMAN: Okay. And your house is a two -- is a 14 single-family house; correct? 15 MR. PATEL: Single-family house right across 16 diagonally. 17 MR. KLOPMAN: Okay. And you have a two-car garage; 18 correct? 19 MR. PATEL: Yes. I do. 20 MR. KLOPMAN: And you have a driveway. 21 MR. PATEL: Yes. I do. 22 MR. KLOPMAN: And you either park in your garage or 23 you park in your driveway. 24 MR. PATEL: I always park in my garage. 25 MR. KLOPMAN: Okay. And would you agree that the --</p>	<p>148</p> <p>1 MR. PATEL: Yes. 2 MR. KLOPMAN: And your -- there's no cars parked in 3 front of your house there; correct? 4 MR. PATEL: I don't see any. No. 5 MR. KLOPMAN: In fact, if you look at that picture, 6 there's no cars parked on Falcon Bridge Drive; is that 7 correct? 8 MR. PATEL: Yes. 9 MR. KLOPMAN: And when you leave for work at seven 10 in the morning every day, there are no cars parked on Falcon 11 Bridge Drive most of the time; right? 12 MR. CHEN: Objection. 13 MR. PRAGER: Excuse me. 14 MR. PATEL: No. I have seen several times. 15 MR. PRAGER: Just a moment. What's your objection? 16 MR. CHEN: Relevancy. 17 MR. PRAGER: It's relevant. He's trying to find out 18 whether or not this witness has witnessed what he claims he's 19 witnessed. 20 MR. CHEN: Oh. Okay. 21 MR. PATEL: I have seen cars parked on both sides. 22 MR. KLOPMAN: You have. 23 MR. PATEL: Yes. I have. 24 MR. KLOPMAN: How about this past weekend? You see 25 cars on --?</p>

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<p>149</p> <p>1 MR. PATEL: Yes. I [inaudible] 2 MR. KLOPMAN: You testified -- you presented a 3 picture that goes back to April 2018 and the -- 2018. And you 4 have -- since that time, have you seen cars parked in Ms. 5 Romano's driveway? 6 MR. PATEL: No. 7 MR. KLOPMAN: No. Never see any of her cars in -- 8 never see any cars in the driveway. 9 MR. PATEL: No. Not even any of their -- I believe 10 there is the one car belong to them, and that also parked on 11 the street, which I found very objectionable to. 12 MR. KLOPMAN: You objected to that also. Can I see 13 the picture that he brought? Can I see it? So does Ms. Huber 14 give you any other pictures that showed cars parked in the 15 driveway? 16 MR. PATEL: No. 17 MR. KLOPMAN: She didn't give you any other pictures 18 that showed that? 19 MR. PATEL: No. 20 MR. KLOPMAN: [Inaudible] speech, Your Honor. 21 MR. PRAGER: Mm-hmm. 22 MR. KLOPMAN: So Ms. Huber didn't show you the 23 picture that she took on March 11th, 2018. 24 MR. CHEN: Objection. Counsel, can you let us see 25 what you're --</p>	<p>151</p> <p>1 in the driveway is your testimony; correct? 2 MR. PATEL: Most of the time no I don't. [Inaudible] 3 MR. KLOPMAN: And so the Hubers, if you took -- if 4 you go to page 39, a picture of the driveway Saturday, April 5 29th, 2018, the pictures of the cars in the driveway, you 6 never saw that before either? You've never seen that before? 7 MR. PATEL: No. 8 MR. KLOPMAN: And they didn't give you those 9 pictures either; right? 10 MR. PATEL: No. But my recollection is [inaudible] 11 that I don't see that often those cars parked particularly in 12 the driveway. I never see actually this car driveway. 13 MR. KLOPMAN: Let me show you some pictures on April 14 -- November 19th, at 7:59 at night. 15 MR. PRAGER: What page? 16 MR. KLOPMAN: Page 44. The Hubers didn't give you 17 that picture showing the vehicles in the driveway then 18 either; right? 19 MR. PATEL: No. 20 MR. KLOPMAN: And you didn't see those cars in the 21 driveway then; correct? 22 MR. PATEL: Not that I recall. 23 MR. KLOPMAN: Then January 7th, page 49, the Hubers 24 picture of cars in the driveway. You didn't see those cars in 25 the driveway either I guess; huh?</p>
<p>150</p> <p>1 MR. KLOPMAN: Oh. I'm sorry. I figured since I was 2 referring to your packet -- 3 MR. CHEN: Well, there's a lot on the packet. 4 MR. KLOPMAN: You're correct and I apologize. 5 MR. CHEN: I got page 37. 6 MR. PRAGER: What are you showing him? 7 MR. KLOPMAN: I'm showing him page 37 of the packet 8 submitted in the opposition of February 11th. 9 MR. PRAGER: Bear with me while I find that page. 10 Page 37 is the one that says photo taken 3/11/18. 11 MR. KLOPMAN: March 11th, 2018. 12 MR. PRAGER: Pardon? 13 MR. KLOPMAN: March 11th -- 14 MR. PRAGER: Right. 15 MR. KLOPMAN: 2018. So Mr. -- 16 MR. PRAGER: Try not to interrupt me when I'm 17 speaking please. Right. Go ahead. 18 MR. KLOPMAN: I was just -- I couldn't hear you. 19 That's all. [Inaudible] Your Honor. May I speak, Your Honor. 20 MR. PRAGER: Mm-hmm. Please. 21 MR. KLOPMAN: So Ms. Huber or Mr. Huber didn't show 22 you this picture that shows the cars in her driveway; 23 correct? 24 MR. PATEL: Yeah. I [inaudible] 25 MR. KLOPMAN: Yeah. Okay. And you never saw the cars</p>	<p>152</p> <p>1 MR. PRAGER: What page was that? I'm sorry. 2 MR. KLOPMAN: Page 49, Your Honor. 3 MR. PATEL: I guess [inaudible] 4 MR. KLOPMAN: And you didn't observe that either I 5 guess. 6 MR. PATEL: Yes. 7 MR. KLOPMAN: Or on January 10th, 2019 at 5 p.m. on 8 Thursday. 9 MR. PRAGER: What page? 10 MR. CHEN: What page? 11 MR. KLOPMAN: 51. Pardon me. Are you there, Your 12 Honor? 13 MR. PRAGER: Yes. 14 MR. KLOPMAN: That's after you got home from work; 15 correct? 5:01? You get home around -- you leave at 4:30, get 16 home around 5? 17 MR. PATEL: Well, around [inaudible] 18 MR. KLOPMAN: You see -- you didn't see those cars 19 in the driveway on that day? 20 MR. PATEL: I'm trying to think -- locate myself 21 where exactly this location is. 22 MR. KLOPMAN: It's at Natasha Romano's driveway. 23 MR. PATEL: Okay. So is there a recent picture? That 24 doesn't mean in the past I have not seen any cars parked in 25 the driveway.</p>

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<p>153</p> <p>1 MR. KLOPMAN: Your testimony is --</p> <p>2 MR. PATEL: Right. The testimony is just [inaudible]</p> <p>3 recent picture. It's [inaudible] span of the [inaudible] so</p> <p>4 you cannot just take one picture [inaudible]</p> <p>5 MR. KLOPMAN: So but you didn't receive any of these</p> <p>6 pictures either?</p> <p>7 MR. PATEL: No.</p> <p>8 MR. KLOPMAN: So the only picture they gave you is</p> <p>9 this one; right?</p> <p>10 MR. PATEL: [Inaudible] yes, sir.</p> <p>11 MR. KLOPMAN: I'm almost finished, Your Honor. Just</p> <p>12 give me one second to look at my notes. So Ms. Romano's</p> <p>13 classes on Mondays, Wednesdays and Fridays, from 9:15 to</p> <p>14 10:30, you're working at those times; correct?</p> <p>15 MR. PRAGER: Excuse me, Mr. Klopman.</p> <p>16 MR. PATEL: I [inaudible]</p> <p>17 MR. PRAGER: Excuse me. I think your statement is</p> <p>18 wrong. That's her intention. That's not true of --</p> <p>19 necessarily of the past; right?</p> <p>20 MR. KLOPMAN: It is up until November, Your Honor.</p> <p>21 That's something I wanted to bring to your attention.</p> <p>22 MR. PRAGER: Okay. Let's -- why don't you phrase</p> <p>23 your question as to --</p> <p>24 MR. KLOPMAN: Okay. I'll do it in the correct</p> <p>25 timeline. Thank you, Your Honor. Prior to November of 2018,</p>	<p>155</p> <p>1 MR. PATEL: I [inaudible]</p> <p>2 MR. CHEN: Excuse me.</p> <p>3 MR. PRAGER: What's your objection?</p> <p>4 MR. CHEN: Typical day?</p> <p>5 MR. PATEL: Yeah. That's not [inaudible]</p> <p>6 MR. PRAGER: He can answer the question. This is a</p> <p>7 cross-examination. He's allowed to ask it and if [inaudible]</p> <p>8 MR. CHEN: It's an improper characterization.</p> <p>9 MR. PRAGER: If the witness disputes what the</p> <p>10 question implies, he can say so say.</p> <p>11 MR. CHEN: Well, excuse me. Just for the record,</p> <p>12 there is no evidence whatsoever that that photograph depicts</p> <p>13 --</p> <p>14 MR. PRAGER: Well, yes. We've gone through that, Mr.</p> <p>15 Chen. I don't want to cut you off, but we have discussed</p> <p>16 this. We don't know when it was taken. We don't know how</p> <p>17 typical it is. But that's why the question was asked. Is it</p> <p>18 typical?</p> <p>19 Here's somebody who has testified that he lives in</p> <p>20 the neighborhood and he knows what's going on, so the</p> <p>21 question is perfectly legitimate and Mr. Klopman, will you</p> <p>22 state it again and --</p> <p>23 MR. KLOPMAN: Does that picture fairly and</p> <p>24 accurately depict the condition of the streets on Falcon</p> <p>25 Bridge Drive and Falcon Bridge Terrace in your neighborhood?</p>
<p>154</p> <p>1 you worked, again, from -- you left for work at seven in the</p> <p>2 morning and you came home at five at night; is that correct?</p> <p>3 MR. PATEL: Yes.</p> <p>4 MR. KLOPMAN: Okay. Did sometimes you come home</p> <p>5 later than the five at night?</p> <p>6 MR. PATEL: Maybe. Sometimes I would [inaudible]</p> <p>7 MR. KLOPMAN: Okay. So -- in -- up until November of</p> <p>8 2018, you weren't in the neighborhood between 9:15 to 10:30</p> <p>9 a.m. on Mondays, Wednesdays and Fridays; correct?</p> <p>10 MR. PATEL: I may have [inaudible] vacation or</p> <p>11 [inaudible] come home.</p> <p>12 MR. KLOPMAN: But generally, you worked in those</p> <p>13 hours; correct?</p> <p>14 MR. PATEL: Yes. I did.</p> <p>15 MR. KLOPMAN: And I may have asked this question.</p> <p>16 Let me just now again. My memory's [inaudible] page 4 of the</p> <p>17 planning board staff reports. Do you see that?</p> <p>18 MR. PATEL: Yes.</p> <p>19 MR. KLOPMAN: Falcon Bridge Drive, Falcon Bridge</p> <p>20 Terrace.</p> <p>21 MR. PATEL: Right.</p> <p>22 MR. KLOPMAN: Those show the streets Falcon Bridge</p> <p>23 Drive, Falcon Bridge Terrace. That picture fairly depicts</p> <p>24 those streets on a typical day; correct?</p> <p>25 MR. CHEN: Objection.</p>	<p>156</p> <p>1 MR. PATEL: [Inaudible]</p> <p>2 MR. KLOPMAN: Thank you. That's all I have, Your</p> <p>3 Honor.</p> <p>4 MR. PRAGER: All right. I have a couple of questions</p> <p>5 for you, Mr. Patel. You don't work on Saturdays; is that</p> <p>6 correct?</p> <p>7 MR. PATEL: No.</p> <p>8 MR. PRAGER: All right. Do you work on Sundays?</p> <p>9 MR. PATEL: No. I don't.</p> <p>10 MR. PRAGER: Okay. So if there were classes, you</p> <p>11 would be able to observe them on Saturdays and Sundays?</p> <p>12 MR. PATEL: Yes, sir.</p> <p>13 MR. PRAGER: What about in the evening? There had</p> <p>14 been a -- in the application, the idea is that there will be</p> <p>15 a class on Thursday between 5:00 and 6:15. Are you home</p> <p>16 between 5:00 and 6:15 in the evening?</p> <p>17 MR. PATEL: Yeah. Sometimes I do make [inaudible]</p> <p>18 and I do [inaudible]</p> <p>19 MR. PRAGER: Okay. And what about on Friday nights</p> <p>20 between 9:15 and 10:30 -- I'm sorry. On Monday is what I</p> <p>21 meant to say. I apologize. Mondays between 9:15 -- between</p> <p>22 7:45 and 9:00 p.m. Are you home then?</p> <p>23 MR. PATEL: In that time period?</p> <p>24 MR. PRAGER: Right. Mondays 7:45 p.m. to 9:00 p.m.</p> <p>25 MR. PATEL: I'm home then.</p>

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<p>157</p> <p>1 MR. PRAGER: All right. So that means you could 2 observe parking in that area at those times; is that correct? 3 MR. PATEL: Yes. [Inaudible] 4 MR. PRAGER: Now, you testified that you've been 5 living there for quite some time and you've seen parking in 6 the streets that you haven't seen parking on -- parking on 7 the driveway. 8 Has anything changed in the last, let's say three 9 months -- that is December, January and February -- in terms 10 of parking at or near the Romano home? 11 MR. PATEL: To [inaudible] question of the cars are 12 parked on the street, not on the driveway. Even one car is 13 parked there. I think it's kind of uncomfortable for me to 14 drive around to this exact [inaudible]. I don't like to 15 [inaudible] 16 MR. PRAGER: Right. You said one car. I said have 17 you noticed a change in the parking pattern in the last three 18 months compared to, let's say, a year ago? 19 MR. PATEL: I may have but I didn't pay attention. 20 MR. PRAGER: You don't pay that much attention did 21 you say? 22 MR. PATEL: Not that much to see the difference. No. 23 MR. PRAGER: All right. Thank you very much. I don't 24 think I have any other questions. You're excused. 25 MR. CHEN: Excuse me?</p>	<p>159</p> <p>1 MR. CHEN: Okay. So that's how you got it. 2 MR. PATEL: Okay. 3 MR. CHEN: Okay. So you approached them and asked 4 for -- Mr. [inaudible] asked for a photograph. 5 MR. PRAGER: Now, Mr. Chen, if you want to call him 6 as your witness, which you -- I said you can, you still can't 7 do leading questions now. Let's just -- 8 MR. CHEN: Well -- 9 MR. PRAGER: -- ask him questions not leading. You 10 can ask him how did he got -- get this photograph. 11 MR. CHEN: I understand. 12 MR. PRAGER: Things like that. But not the way you 13 phrased it. 14 MR. CHEN: Now, how did you get the photograph? 15 MR. PRAGER: Well, he's already testified to that. 16 MR. CHEN: I was just trying to please the exam. 17 MR. PRAGER: No. You pleased me but after the fact. 18 MR. CHEN: Thank you. Looking at that photograph, 19 there's a house -- and this is my description. It shows a -- 20 looks like a side of a house with a white siding. Do you see 21 that? 22 MR. PATEL: Yes. I do. 23 MR. CHEN: Is that your house? 24 MR. PATEL: No. It's not. 25 MR. CHEN: Which house is that?</p>
<p>158</p> <p>1 MR. PRAGER: Yes. 2 MR. CHEN: I don't get to question. 3 MR. PRAGER: No. Well, you can. Yes. I guess -- I'm 4 sorry. I'll give you a few questions. 5 MR. CHEN: He's not my witness and you've had -- 6 MR. PRAGER: He's not your witness but he's 7 certainly on your side. So he's opposing as -- so you can ask 8 a couple of questions. 9 MR. CHEN: Just for the record, you certainly 10 allowed counsel for the applicant to have extensive direct 11 examination of who this -- was it Burgman? 12 MR. WHITE: Greenburg. 13 MR. CHEN: Greenburg? I mean, and she was on their 14 side. 15 MR. PRAGER: Go ahead. 16 MR. CHEN: Thank you. Mr. Patel, do you still have 17 that page 38 in front of you? 18 MR. PATEL: Yes. I do. 19 MR. CHEN: You asked for the photograph; is that 20 right? 21 MR. PATEL: Yes. I did. 22 MR. CHEN: You approached Mr. Huber and asked for -- 23 if he had a photograph showing no cars in the garage; isn't 24 that right? 25 MR. PATEL: That's correct.</p>	<p>160</p> <p>1 MR. PATEL: It's actually [inaudible] from my house 2 at an angle [inaudible] 3 MR. CHEN: And is the Romano house, or part of the 4 Romano house, depicted in this photograph? 5 MR. PATEL: Yes. It's on the left side. 6 MR. CHEN: That little sliver of --? 7 MR. PATEL: Yes. Mm-hmm. [Inaudible] seems to be her 8 driveway. 9 MR. CHEN: And what -- in the foreground, what road 10 is that? 11 MR. PATEL: That's [inaudible]. That's where I live. 12 MR. CHEN: Oh. Okay. And there appears to be another 13 street coming in from the left; is that right, sir? 14 MR. PATEL: Yes. 15 MR. CHEN: What is that? 16 MR. PATEL: Okay. That's [inaudible] no. Falcon 17 Bridge Terrace. 18 MR. CHEN: I'm sorry? 19 MR. PATEL: Falcon Bridge Terrace. 20 MR. CHEN: Okay. Thank you. And how many cars can 21 you see on that street, sir. 22 MR. PATEL: At least four or five. 23 MR. CHEN: On what side of the street are they? 24 MR. PATEL: [Inaudible] side. 25 MR. CHEN: And that's Falcon Bridge Terrace.</p>

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<p>161</p> <p>1 MR. PATEL: Right.</p> <p>2 MR. CHEN: And in -- sticking with this photograph</p> <p>3 for a moment, the two cars in the foreground, do you see</p> <p>4 them?</p> <p>5 MR. PATEL: Yeah.</p> <p>6 MR. CHEN: And on what property do -- are they in</p> <p>7 front of?</p> <p>8 MR. PATEL: Ms. Romano I believe.</p> <p>9 MR. CHEN: Okay. And there's a car to the right. Do</p> <p>10 you see that?</p> <p>11 MR. PATEL: Yeah. The car. Yes.</p> <p>12 MR. CHEN: In front of which property is that?</p> <p>13 MR. PATEL: I believe that's Mr. Huber or the other</p> <p>14 property in front of him -- next to him.</p> <p>15 MR. CHEN: Okay. Now, you were shown a series of</p> <p>16 photographs by Mr. Klopman. Remember from these pages?</p> <p>17 MR. PATEL: Yes.</p> <p>18 MR. CHEN: Do you know who took those photographs?</p> <p>19 MR. PATEL: No. I don't.</p> <p>20 MR. CHEN: Do you know who took the photograph of on</p> <p>21 the -- excuse me. Do you know who took the photograph that's</p> <p>22 on page 38?</p> <p>23 MR. PATEL: No. I don't.</p> <p>24 MR. CHEN: Let me go to -- this [inaudible] is going</p> <p>25 so fast. I think 40 is one of the --</p>	<p>163</p> <p>1 Falcon Bridge Terrace [inaudible]</p> <p>2 MR. PATEL: Yes.</p> <p>3 MR. CHEN: What side?</p> <p>4 MR. PATEL: Both sides.</p> <p>5 MR. CHEN: Thank you. I have no further questions of</p> <p>6 this witness.</p> <p>7 MR. KLOPMAN: I just have one question if I may,</p> <p>8 Your Honor. That's fine. I'm done. Let's go.</p> <p>9 MR. PRAGER: No. I think we've heard enough. Mr.</p> <p>10 Patel, you may step down. Thank you very much.</p> <p>11 MR. PATEL: Thank you, Your Honor.</p> <p>12 MR. KLOPMAN: Your Honor, I have a witness problem.</p> <p>13 Melissa Brady [ph] has to leave in 20 minutes and I mentioned</p> <p>14 that before and I'd like to call her right now.</p> <p>15 MR. PRAGER: Right. Well, this is obviously going to</p> <p>16 take longer -- we may have -- since Mr. Chen hasn't even</p> <p>17 begun to have his testimony, it's probably going to be --</p> <p>18 this hearing is going to be continued for a second day. Not</p> <p>19 tomorrow but sometime in the future, because I don't think</p> <p>20 we're going to be able to --</p> <p>21 MR. KLOPMAN: How late does Your Honor go in the</p> <p>22 afternoon?</p> <p>23 MR. PRAGER: I'm sorry?</p> <p>24 MR. KLOPMAN: How late will you go?</p> <p>25 MR. PRAGER: Well, I think we have to conclude by</p>
<p>162</p> <p>1 MR. PATEL: I don't have [inaudible]</p> <p>2 MR. CHEN: You don't have. Okay. Your Honor, may I</p> <p>3 approach?</p> <p>4 MR. PRAGER: Yes. You may.</p> <p>5 MR. CHEN: Mr. Patel, Mr. Klopman showed you a</p> <p>6 series of photographs.</p> <p>7 MR. PRAGER: Yes.</p> <p>8 MR. CHEN: I want to show you the one on page 40.</p> <p>9 Can you identify the street that [inaudible]</p> <p>10 MR. PATEL: That's Falcon Bridge Terrace.</p> <p>11 MR. CHEN: Okay. Are there cars parked on Falcon</p> <p>12 Bridge Terrace?</p> <p>13 MR. PATEL: Yes.</p> <p>14 MR. CHEN: What side of the street are they parked?</p> <p>15 MR. PATEL: Both sides.</p> <p>16 MR. CHEN: Thank you. Let me show you the</p> <p>17 photographs on page 44. Do you know the area -- do you</p> <p>18 recognize the area that's being depicted in those</p> <p>19 photographs?</p> <p>20 MR. PATEL: Yes. This is on Falcon Bridge Terrace</p> <p>21 across from Ms. Romano's property and yeah. Both on the same</p> <p>22 [inaudible]. Yes.</p> <p>23 MR. CHEN: Showing her property?</p> <p>24 MR. PATEL: On her property. Yes.</p> <p>25 MR. CHEN: Okay. And you show cars on the terrace --</p>	<p>164</p> <p>1 five o'clock. I'll verify that with the court reporter, but I</p> <p>2 think we're going to stop at five or very shortly thereafter</p> <p>3 depending on things.</p> <p>4 MR. CHEN: If I may, just on that point.</p> <p>5 MR. PRAGER: Yes. Let's go off the record for a</p> <p>6 moment. So let's get back on the record. Mr. Klopman, yes.</p> <p>7 Call your next witness.</p> <p>8 MR. KLOPMAN: Thank you, Your Honor. Ronda Gaynor</p> <p>9 please. Is she here?</p> <p>10 MR. PRAGER: What happened to Brady?</p> <p>11 MR. KLOPMAN: We're going to go with Ms. -- we're</p> <p>12 going to -- if we have to come back, it would be -- it would</p> <p>13 make more sense to do it this way. Ms. Brady will do it</p> <p>14 another -- she'll come back because she really wants to go</p> <p>15 now. Yeah. So it might go over and we'll just get in the</p> <p>16 middle, so if we've got to come back, we'll do her in a clean</p> <p>17 way.</p> <p>18 MR. PRAGER: I'm not sure I understand who the her</p> <p>19 is.</p> <p>20 MR. KLOPMAN: Melissa Brady.</p> <p>21 MR. PRAGER: Right. And why are you not calling her</p> <p>22 now?</p> <p>23 MR. KLOPMAN: Because I'm not sure how long it's</p> <p>24 going to take and if we have to come back, I don't want to</p> <p>25 get in the middle if she has to leave and if it goes longer,</p>

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<p>165</p> <p>1 it'd be cleaner if we just go forward with the witnesses that 2 can stay. She's going to leave in about five, 10 minutes, so 3 I'd rather do it this way. 4 MR. PRAGER: All right. 5 MR. KLOPMAN: Since you told me we're going to come 6 back anyway. 7 MR. PRAGER: I didn't say we were going to come 8 back. It's likely. 9 MR. KLOPMAN: Well, it looks likely to me also, Your 10 Honor. So at this point, we'll just do it that way. 11 MR. PRAGER: Okay. Ms. Gaynor? 12 MS. GAYNOR: Yes. 13 MR. PRAGER: Would you state your full name? 14 MS. GAYNOR: Yes. My name is Ronda Gaynor, G-a-y-n- 15 o-r. 16 MR. PRAGER: All right. And Ms. Gaynor, your address 17 please. 18 MS. GAYNOR: My address is 14002 North Commons Way 19 in Rockville, Maryland. 20 MR. PRAGER: North what? 21 MS. GAYNOR: North Commons. C-o-m-m-o-n-s. North 22 Commons Way. 23 MR. PRAGER: All right. Would you raise your right 24 hand to be sworn? Do you swear to tell the truth, the whole 25 truth, and nothing but the truth, under penalty of perjury?</p>	<p>167</p> <p>1 I'm here today because expanding the license under 2 this request gives Ms. Romano the ability to conduct her 3 business in a way that is in compliance with the county's own 4 laws as well as meeting the needs of those of us who so 5 clamored for her help. 6 I am in full support of the yoga studio at her home 7 and have only briefly attended classes in a more traditional, 8 big -- we call it a strip mall, the big yoga classes. And it 9 doesn't compare to the personal touch that comes from being 10 in a small community. 11 And the community that Natasha has built is truly 12 meaningful. I also am here to attest to the fact that being a 13 participant in the class [inaudible] in a way that has little 14 to no affect on her immediate environment and I would even 15 call a minimal impact on the neighborhood around her. 16 MR. KLOPMAN: Now, you attend the classes. You 17 attended the classes before Ms. -- let me not lead you. 18 Excuse me, Your Honor. You attend the classes -- do you 19 attend the classes that she holds in the yoga studio? 20 MS. GAYNOR: Yes. Typically my schedule for pretty 21 much since I started, which is -- I was trying to think how 22 many years. I'm going to guess about four years. It might be 23 a little bit more. Has typically been the Monday morning 24 class and the Thursday afternoon class. 25 I have gone to others, but that's my typical</p>
<p>166</p> <p>1 MS. GAYNOR: Yes. I do. 2 MR. PRAGER: Okay. Mr. Klopman? 3 MR. KLOPMAN: Thank you. Ms. Gaynor, I want you to 4 tell us, you've written a letter in support of the 5 application of Ms. Natasha Romano for her conditional use; 6 correct? 7 MS. GAYNOR: Correct. 8 MR. KLOPMAN: And you're here today since 9:30 to 9 testify on behalf of Ms. Romano in support of her 10 application; correct? 11 MS. GAYNOR: That's correct. 12 MR. KLOPMAN: And I want you to tell the hearing 13 examiner why you're here and what you have to say in support 14 of her application. 15 MS. GAYNOR: Thank you. I'm here to support this 16 application. I think Ms. Romano in her own words said that 17 what she's really trying to do is a lot of things to try to 18 meet the needs of the community around her that she cares so 19 much about, as well as to be in compliance and to be a good 20 neighbor, which speaks to who -- the person she is. 21 I don't know if I have the words to say how much I 22 have benefitted from attending yoga classes. For those of you 23 who practice yoga, you know how much it means to you, both 24 for your physical body as well as our emotional and spiritual 25 selves.</p>	<p>168</p> <p>1 schedule. It started out that both of those classes were at 2 the home studio and of late, the Monday morning class has 3 been moved to the Carriage House at the [inaudible] 4 So currently, when I am able, I attend the Monday 5 morning at the Carriage House and the Thursday afternoon at 6 the home studio. 7 MR. KLOPMAN: Okay. So let's talk about since before 8 the schedule was changed so that she doesn't have the classes 9 on Monday morning; okay? Which is what she's asking for here 10 back in the yoga studio. Tell us what the traffic was like 11 when you went to the classes at her house on Monday morning 12 and what time that was. 13 MR. PRAGER: Excuse me. Before you answer that, what 14 time period are we talking about? 15 MR. KLOPMAN: Just before she filed the application. 16 MR. PRAGER: Well, you -- 17 MR. KLOPMAN: Before November of 2018. 18 MR. PRAGER: All right. Starting when? When did you 19 start classes there? 20 MS. GAYNOR: Well, I've been attending classes I'm 21 going to say for at least four years or five years. I don't 22 remember exactly when the switch was when Natasha moved 23 Monday morning to the Carriage House, but I speak to before, 24 when Monday morning used to be at the home studio. 25 So the class starts at 9:15. I would typically</p>

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<p>169</p> <p>1 arrive five or 10 minutes before that. On my drive over, 2 there was little or no traffic and I had no trouble parking 3 for the class. 4 MR. KLOPMAN: Now, describe the streets of Falcon 5 Bridge Drive and Falcon Bridge Terrace in terms of other 6 people parking on those streets. 7 MS. GAYNOR: And can I take a [inaudible] 8 MR. KLOPMAN: Prior to November -- I mean, up until 9 the change when you went on Monday mornings. 10 MS. GAYNOR: Okay. So you've heard mentioned a 11 number of times this parking evolution. So if I take a sort 12 of longer view, there was a period of time when I first 13 started where I pointedly did not park in Ms. Romano's 14 driveway -- I'm talking several years ago -- and would just 15 park on the streets. 16 And whether that was Falcon Bridge Drive or Falcon 17 Bridge Terrace, it was very easy to find a parking spot 18 because it was very -- the only cars were really the people 19 that were coming to the class and in time we would learn who 20 was coming because I would recognize their cars. 21 At one point, Natasha had asked us not to park on 22 the part of Falcon Bridge Terrace that does not abut her 23 property, so I changed my habits because I hadn't want to 24 park in either way, and started parking just on the part that 25 abutted her property.</p>	<p>171</p> <p>1 last name? 2 MR. KLOPMAN: Okay. And how did she -- is there now 3 -- what things had she done to ensure that the limit is five? 4 MS. GAYNOR: Right. So Natasha has an app I guess. 5 It's called Mind Body. That most of us have on our phones. 6 And we've had it for a little while but it was sort of loose. 7 It was more a way for us to know if a class was canceled or 8 what the class schedule was, but in more recent times, 9 Natasha has insisted that we sign up with the understanding 10 that if there was too many for the home studio, we would not 11 be able to attend. 12 MR. KLOPMAN: Okay. And too many would be how many? 13 MS. GAYNOR: More than five. 14 MR. KLOPMAN: And you said I guess Mr. Hornstein 15 didn't -- 16 MS. GAYNOR: He was number six. 17 MR. KLOPMAN: He was number six. So did he -- was he 18 able -- was he allowed in to participate in the yoga class 19 that day? 20 MS. GAYNOR: No. He did not attend. 21 MR. KLOPMAN: Okay. So in your experience, and I'm 22 going back to when you went on Mondays at the Warrior One 23 studio before the conditional use application was filed and 24 when you went on Monday mornings. Typically, how many people 25 would go to those classes?</p>
<p>170</p> <p>1 More recently, Ms. Romano has asked us to park in 2 the driveway. And so now more recently it's just Thursdays. 3 It's not Mondays anymore. But I park in the driveway. 4 MR. KLOPMAN: So you told us before November, you 5 went Monday morning. Since November, do you still go to her 6 house for another class? 7 MS. GAYNOR: Yes. The class that I attend now is on 8 Thursday. It starts at -- actually, over time, it's been 4:45 9 and five o'clock and it's an hour and 15-minute class. 10 MR. KLOPMAN: And so that's late afternoon. 11 MS. GAYNOR: Late afternoon on Thursdays. Yes. 12 MR. KLOPMAN: Okay. So and the last time you 13 attended that class was when? Last Thursday? 14 MS. GAYNOR: This past Thursday. Last week. 15 MR. KLOPMAN: And where did you park? 16 MS. GAYNOR: In the driveway. 17 MR. KLOPMAN: And how many people were there? 18 MS. GAYNOR: Friday -- this past Thursday, I 19 specifically remember there had been five of us for as long 20 as Natasha had told us that she was needing to stick to five 21 only. What I particularly remember about this past Thursday 22 is that there's a gentleman who was a regular who Natasha had 23 to turn away. 24 MR. KLOPMAN: And who was that? 25 MS. GAYNOR: Spence -- is it Hornstein? Is that his</p>	<p>172</p> <p>1 MS. GAYNOR: You know, you heard other people say it 2 varies, and of course it does. I would say mostly about five. 3 It would sometimes be up to about seven. Sometimes 4 occasionally we'd have two or three, but most often I would 5 say probably about five or six. 6 MR. KLOPMAN: And what has Natasha Romano done to 7 address this parking issue? 8 MS. GAYNOR: Natasha's been really great about 9 keeping us [inaudible] of what is sort of the best practices, 10 because we have tried different things. I live in a cul-de- 11 sac myself, so I appreciate that people have concerns. 12 So at different times, we were told -- I think 13 someone before testified about spreading out, carpooling if 14 we were able to, spreading out and not parking right near her 15 house. And then most recently, as the diagram that I know we 16 see quite a bit, is to park in the driveway, and if for any 17 reason the driveway was not available, to use the spots right 18 in front of her house. 19 MR. KLOPMAN: Thank you. And again, you testified 20 but I want to make sure it's clear. How long are the classes, 21 each of the classes? 22 MS. GAYNOR: The classes are an hour and 15 minutes. 23 MR. KLOPMAN: And the movements, once you get to the 24 neighborhood and once you leave, how long is the interaction 25 with the neighborhood upon your entrance and how long is it,</p>

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<p>173</p> <p>1 your interaction in the neighborhood, upon your leaving?</p> <p>2 MS. GAYNOR: So when I pull out of Natasha's</p> <p>3 driveway, which very slowly and carefully, since I'm not</p> <p>4 great on that as well, I mean, it's probably about a minute</p> <p>5 because she lives so close to Jones Lane. I'm guessing that</p> <p>6 within a minute there's a stop sign and then I'm on Jones</p> <p>7 Lane and on my way home.</p> <p>8 MR. KLOPMAN: Okay. And that's true when you come</p> <p>9 in?</p> <p>10 MS. GAYNOR: And that's true for when I come in as</p> <p>11 well. There's never any traffic.</p> <p>12 MR. KLOPMAN: Okay. So thank you. Let me just show</p> <p>13 you what I -- a document that I have been referring to. Page</p> <p>14 4 of the planning board staff report, which I believe is 59A.</p> <p>15 Does that picture fairly and accurately depict the roads, the</p> <p>16 condition of the Falcon Bridge Drive and Falcon Bridge</p> <p>17 Terrace in your experience when you attend these yoga</p> <p>18 classes?</p> <p>19 MS. GAYNOR: Yes. It does.</p> <p>20 MR. KLOPMAN: And let me show you page 8 of the</p> <p>21 staff of the planning board. Do you see the squares for the</p> <p>22 cars that were -- that are there? Do those -- does that</p> <p>23 accurately and fairly depict where people -- what -- where</p> <p>24 Ms. Romano has told you to park now?</p> <p>25 MS. GAYNOR: Right. This is our most recent</p>	<p>175</p> <p>1 at the end. What benefit have you received from going to a</p> <p>2 home-based yoga studio?</p> <p>3 MS. GAYNOR: So I was extremely intimidated to try</p> <p>4 yoga when I first started and I had visions of what you had</p> <p>5 to look like or be able to do to start yoga. So being able to</p> <p>6 be in a small studio with the individual attention that Ms.</p> <p>7 Romano gives is incredible.</p> <p>8 It has been a great benefit to me in terms of just</p> <p>9 physical fitness, emotional stability, and spiritual growth.</p> <p>10 MR. KLOPMAN: Thank you, Ms. Gaynor. I appreciate</p> <p>11 your testimony. That's all I have, Your Honor.</p> <p>12 MR. PRAGER: Mr. Chen?</p> <p>13 MR. CHEN: How far away do you live, Ms. Gaynor?</p> <p>14 MR. PRAGER: I'm sorry?</p> <p>15 MR. CHEN: I said how far away does she live.</p> <p>16 MS. GAYNOR: Approximately 20 minutes. I live in</p> <p>17 Rockville.</p> <p>18 MR. CHEN: So you don't reside in this area.</p> <p>19 MS. GAYNOR: I do not.</p> <p>20 MR. CHEN: And Mr. Klopman showed you some</p> <p>21 photographs that are in a report that he just mentioned. Have</p> <p>22 you ever seen photographs of what it looks like when class is</p> <p>23 in session and cars are parked there?</p> <p>24 MS. GAYNOR: I can only attest to the pictures that</p> <p>25 I've seen that were on the website as well as my own</p>
<p>174</p> <p>1 recommendation. Yes.</p> <p>2 MR. KLOPMAN: Yes. Okay. And are people complying</p> <p>3 with this recommendation where to park?</p> <p>4 MS. GAYNOR: Very much so. On Thursday, yes. Very</p> <p>5 much so.</p> <p>6 MR. KLOPMAN: Has there ever been a time that you</p> <p>7 can remember where -- since you've been coming since I guess</p> <p>8 since the conditional use application, where there wasn't</p> <p>9 parking either in the driveway or on the street adjacent to</p> <p>10 Ms. Romano's house?</p> <p>11 MS. GAYNOR: No.</p> <p>12 MR. KLOPMAN: Can you describe the neighborhood? I</p> <p>13 mean, tell us about -- is it a -- describe the neighborhood.</p> <p>14 MS. GAYNOR: Okay. So -- and this is not my</p> <p>15 neighborhood. It's a neighborhood of large, single-family</p> <p>16 homes. It seems to be -- I have been there at times when --</p> <p>17 I'm trying to think, I guess it would be the Thursday</p> <p>18 afternoons, when I've seen children playing in the cul-de-</p> <p>19 sac.</p> <p>20 It doesn't seem to be a very busy neighborhood. I</p> <p>21 know people who live in the neighborhood so I'm familiar with</p> <p>22 it a little bit beyond going to yoga classes there. But it</p> <p>23 seems to be a quiet residential neighborhood.</p> <p>24 MR. KLOPMAN: Okay. Thank you. And what benefit have</p> <p>25 you received -- and you might have said this. I'm just -- I'm</p>	<p>176</p> <p>1 experience when I've been in the studio.</p> <p>2 MR. CHEN: And when you've been there, where have</p> <p>3 the cars been parked?</p> <p>4 MS. GAYNOR: There's a range of years that we're</p> <p>5 talking about. Do you want me to address most recently?</p> <p>6 MR. CHEN: Yeah. Well, I think you said recently</p> <p>7 there's this evolution.</p> <p>8 MS. GAYNOR: Correct. The reason I ask is because</p> <p>9 personally where I park myself has changed over the years.</p> <p>10 MR. CHEN: On this evolution, how -- when was that?</p> <p>11 What is that -- if you put a timeframe on that.</p> <p>12 MS. GAYNOR: You know, I feel like there's been some</p> <p>13 change over several years. I'm going to say it's been at</p> <p>14 least a year, probably more than that, that we've been</p> <p>15 mindful that there was some concern about neighbors and where</p> <p>16 we were parking. So I can't put an exact timeline, but the</p> <p>17 most recent has been when Ms. Romano has asked us</p> <p>18 specifically to park in the driveway.</p> <p>19 MR. CHEN: When was that?</p> <p>20 MS. GAYNOR: When was that?</p> <p>21 MR. CHEN: You said most recent. Yeah.</p> <p>22 MS. GAYNOR: The most recent one? I'm going to say</p> <p>23 six months or so. To be honest, I'm not hard-pressed on that,</p> <p>24 but probably about six months or so that we've parked in the</p> <p>25 driveway.</p>

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<p>177</p> <p>1 MR. CHEN: And you've heard -- you're aware that 2 there have been complaints. 3 MS. GAYNOR: I'm aware there had been complaints. 4 Yes. And I had actually told Ms. Romano this several years 5 ago when I had been admonished myself. 6 MR. CHEN: You said you were admonished. 7 MS. GAYNOR: Yes. 8 MR. CHEN: What do you mean by that? 9 MS. GAYNOR: So there was one morning that I parked 10 for the morning class and I was parking on Falcon Bridge 11 Drive heading into the neighborhood. I don't know the 12 directions. And since I had to go back -- 13 MR. CHEN: Jones Lane was behind you? 14 MS. GAYNOR: Jones Lane was behind me. Since I had 15 to go back to Jones Lane, I went up not realizing that it was 16 the neighbors who are present here. I went to do a three- 17 point turn. I did not go into their driveway, but I went -- I 18 believe it's called the apron, the part below the sidewalk. 19 I turned there to make a three-point turn to go back 20 to Jones Lane and the woman came out of the house quite irate 21 and admonished me for doing that. I reported that to Ms. 22 Romano and that's when I found out that there were some 23 issues and she asked me not to do that again. 24 MR. CHEN: When did that happen? 25 MS. GAYNOR: I wish I could give you a good date.</p>	<p>179</p> <p>1 MR. PRAGER: Thank you. 2 MR. CHEN: So that -- when you parked in the 3 driveway, there is the issue of whether or not you might get 4 boxed in? 5 MS. GAYNOR: Not when you're staying for the 6 complete class because we all finish class at the same time. 7 It is extremely rare to leave early. But there was a 8 particular time, and I don't recall the circumstances, but I 9 knew that I had to pretty much bolt and that's why I parked 10 in front of the house. 11 MR. CHEN: So you wouldn't be boxed in, as you said. 12 That's your word. Well, you parked on the street so you 13 wouldn't be boxed in. 14 MS. GAYNOR: On that particular occasion when I was 15 leaving early. 16 MR. CHEN: I understand that. 17 MS. GAYNOR: Yeah. And I also mentioned that's 18 extremely rare. 19 MR. CHEN: Nonetheless, you had to. 20 MS. GAYNOR: Yes. I parked right in front of 21 [inaudible] 22 MR. PRAGER: Mr. Chen, you seem to have turned your 23 microphone off. You're not very loud so continue now. 24 MR. CHEN: And you said that since November, you 25 attend on the Thursday night classes?</p>
<p>178</p> <p>1 I'm going to say at least a couple of years ago. It's been 2 quite a while. 3 MR. CHEN: Okay. And as a consequence of that 4 neighbor complaining to you -- I mean, they came right out 5 and complained that you were pulling up into their apron of 6 their driveway. 7 MS. GAYNOR: Correct. 8 MR. CHEN: You don't do that anymore. 9 MS. GAYNOR: No. 10 MR. CHEN: Okay. And where do you park now? 11 MS. GAYNOR: Where I park now -- so currently I'm 12 only going to the house for the Thursday evening classes and 13 I would say 99 percent of the time is on the driveway. 14 MR. CHEN: Okay. And that leaves apparently 15 currently 1 percent you're still parking on the street. 16 MS. GAYNOR: Well, I recall -- I was trying to 17 think. I recall one time in the last several months where I 18 parked right in front of Ms. Romano's house, but by and large 19 it's the driveway. 20 MR. CHEN: Okay. And -- 21 MR. PRAGER: Excuse me. Let me interrupt so I don't 22 forget that. And why did you do the -- park on the street 23 rather than on the driveway on that occasion? 24 MS. GAYNOR: If memory serves me correctly, I had to 25 leave the class early and didn't want to get boxed in.</p>	<p>180</p> <p>1 MS. GAYNOR: That's correct. At her house. 2 MR. CHEN: Yes. Excuse me. 3 MS. GAYNOR: Yes. 4 MR. CHEN: And the number of peoples in attendance 5 on Thursday nights is limited to five. 6 MS. GAYNOR: It's limited to five. Yes. 7 MR. CHEN: How long has that been? 8 MS. GAYNOR: You know, I wouldn't be able to tell 9 you whether it was October or November, but it's recent. 10 MR. CHEN: Okay. And you -- and I think this is a 11 quote, that there was little to no affect on the environment. 12 Do you remember that -- saying that? 13 MS. GAYNOR: When I said that in terms of driving 14 in, I think I meant [inaudible] environment [inaudible] but 15 the impact on the neighborhood in terms of the -- my driving 16 into a neighborhood. That was my intention. 17 MR. CHEN: Oh. Okay. So it's your opinion that you 18 driving into this neighborhood from Rockville to attend a 19 yoga class, driving in is not going to be deleterious to the 20 neighbors. 21 MS. GAYNOR: I'm basing that on the amount of 22 interaction I had with anyone else during the time that I 23 drove into the neighborhood and left the neighborhood, which 24 was usually no one besides anyone else in the class. 25 MR. CHEN: But there had been complaints.</p>

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<p>181</p> <p>1 MS. GAYNOR: Complaints [inaudible] where our cars 2 were parking. 3 MR. CHEN: Well, when you drive into the 4 neighborhood, you park; don't you? 5 MS. GAYNOR: Correct. As I would if I was going 6 anywhere, to any neighborhood. 7 MR. CHEN: And there have been complaints. 8 MS. GAYNOR: Evidently yes. That's why we're here. 9 MR. CHEN: Yes. And apparently the county has cited 10 Ms. Romano for violating the rules of her conditional use; 11 isn't that correct? 12 MS. GAYNOR: From what I understand, and I'm not 13 sure I fully understand the past citations, but I don't know 14 that it was the fact that people were driving into the 15 neighborhood, but in terms of the numbers, that's my 16 understanding of it. But I'm not sure if I'm correct on that. 17 MR. CHEN: Well [inaudible] do know is that there 18 have been complaints that have been supported by citations; 19 isn't that right? For getting [inaudible] 20 MR. KLOPMAN: I'm sorry. I didn't hear the question. 21 Citations or citation? 22 MR. CHEN: There have been citations. Violating 23 rules. 24 MR. KLOPMAN: Objection, Your Honor. It's -- 25 MR. PRAGER: What's your objection?</p>	<p>183</p> <p>1 away is that? 2 MS. GAYNOR: It takes me about 20 minutes to get 3 there. If I -- I'm not clear on the estimated mileage. Five 4 [inaudible] miles. 5 MR. PRAGER: And how far away do you live from the 6 Carriage House? 7 MS. GAYNOR: It's a little -- about five minutes 8 closer to my house to get to the Carriage. 9 MR. PRAGER: And tell me about the Carriage House. 10 It's not involved in this, but you said you go there these 11 days for the Monday morning sessions. 12 MS. GAYNOR: Correct. 13 MR. PRAGER: How many people show up at those? 14 MS. GAYNOR: So on the Monday morning classes, 15 similar range. You know, we are usually at least three or 16 four. I would say most likely it's about four to six. 17 Occasionally, a large class there would be seven or eight, 18 but that would be a large class. 19 MR. PRAGER: So I'm not quite sure I understand. I 20 thought at some point you said one of the reasons you like 21 going to Ms. Romano's classes is that you don't like large 22 classes. 23 Why does it matter to you if all of her classes, 24 say, were at the Warrior One -- were, I'm sorry, at the 25 Carriage House rather than at her home? It would be closer to</p>
<p>182</p> <p>1 MR. KLOPMAN: It's not an accurate statement. It's a 2 misrepresenting -- the facts in evidence. There's one 3 citation. There's one citation. 4 MR. PRAGER: No. I think there were two. 5 MR. KLOPMAN: No. There are -- the notices of 6 violation are not citations. 7 MR. CHEN: I'll get around it. 8 MR. PRAGER: All right. Well, Mr. Chen, before you 9 start, I'm not quite sure I understand the significance of 10 this. We know what's in the record. Why is this witness, who 11 is not involved except as a -- what I will call a student at 12 the Warrior One -- why are you asking her about the -- 13 MR. CHEN: Because she has testified she doesn't 14 think there's a problem with her driving into the 15 neighborhood and parking to attend classes. 16 MR. PRAGER: Well, there may not be as for her. 17 There have been violation. That's clear. Or were violations 18 at an earlier time. I think you should -- let's move ahead. 19 MR. CHEN: As long as you understand -- I take in 20 mind your comment just now. I think you understand the 21 background and why I ask that question and the limited 22 background that this witness has. Thank you very much. I have 23 no further questions. 24 MR. PRAGER: Okay. I have a couple. One, I didn't -- 25 I know you said that you live in or near Rockville. How far</p>	<p>184</p> <p>1 where you live; right? 2 MS. GAYNOR: So the personal -- I guess what you're 3 [inaudible] you're asking me for my personal impact on where 4 the classes are located? 5 MR. PRAGER: Yeah. 6 MS. GAYNOR: So it doesn't have a direct impact for 7 me where the classes are located first of all. The only 8 exception is that when Natasha has her home studio, she's 9 really great about having a lot of the supporting props, if 10 you will, at the Carriage House as well. But there is a limit 11 to how much she can have there. I think she has some limited 12 storage of some of the props that we use. So there are 13 occasionally things that we can do in her home studio that we 14 can't do -- 15 MR. PRAGER: Thank you. 16 MS. GAYNOR: -- in the Carriage House. And 17 Thursday's class speaks to that very well. So there are some 18 apparatus or supporting [inaudible] props that she has in her 19 home studio that she can't have elsewhere. 20 MR. PRAGER: Even for five or six people? 21 MS. GAYNOR: Well, I'm thinking of particularly she 22 has something that hangs from her ceiling, so no. Not even 23 for five or six people. 24 MR. PRAGER: All right. And are the costs for both 25 classes the same or is one cheaper than the other or more</p>

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<p>185</p> <p>1 costly?</p> <p>2 MS. GAYNOR: The costs are the same.</p> <p>3 MR. PRAGER: Okay. I don't think I have any more</p> <p>4 questions. Mr. Klopman, do you have any redirect?</p> <p>5 MR. KLOPMAN: No.</p> <p>6 MR. CHEN: In light of your question, I do.</p> <p>7 MR. PRAGER: Well, we don't want to pursue the --</p> <p>8 too much without [inaudible] if it's [inaudible] question, go</p> <p>9 ahead.</p> <p>10 MR. CHEN: What's your next exhibit number?</p> <p>11 MR. PRAGER: It is -- well, wait a minute. Why --</p> <p>12 MR. CHEN: It's one question. I'm going to ask one</p> <p>13 question. I think I should be [inaudible] question.</p> <p>14 MR. KLOPMAN: Well, I'm going to object to the</p> <p>15 question because it's about the Carriage House.</p> <p>16 MR. PRAGER: Yeah. Let's not --</p> <p>17 MR. CHEN: Then I want to put it on the record. I</p> <p>18 have in my -- and I'm proper. I have a photograph of the</p> <p>19 Carriage House.</p> <p>20 MR. PRAGER: Right. Well, you have your occasion to</p> <p>21 present whatever evidence you want. I don't know why we --</p> <p>22 the only question I asked about the Carriage House was</p> <p>23 whether it was closer to where she lived and how many people</p> <p>24 showed up. That was all. So I don't think we need to go into</p> <p>25 looking at the Carriage House itself</p>	<p>187</p> <p>1 MR. WHITE: Scott White.</p> <p>2 MR. PRAGER: All right. And where do you live?</p> <p>3 MR. WHITE: My permanent residence is 5753 Sparrow</p> <p>4 Hawk Drive, West Palm Beach, Florida. But I have a home,</p> <p>5 resident for 35 years, or 33 years, at 14520 Whirlaway, W-h-</p> <p>6 i-r-l-a-w-y Lane, North Potomac, Maryland. So I'm a full-time</p> <p>7 resident of Florida but I spend about four months here now</p> <p>8 since 2018. Here in Maryland.</p> <p>9 MR. PRAGER: Okay. And that was Whirlaway Drive did</p> <p>10 you say?</p> <p>11 MR. WHITE: Whirlaway Lane.</p> <p>12 MR. PRAGER: Lane. Okay. Would you raise your right</p> <p>13 hand please? Do you swear to tell the truth, the whole truth,</p> <p>14 and nothing but the truth --</p> <p>15 MR. WHITE: I do.</p> <p>16 MR. PRAGER: -- under penalty of perjury?</p> <p>17 MR. WHITE: I do.</p> <p>18 MR. PRAGER: All right. Mr. Klopman.</p> <p>19 MR. KLOPMAN: Thank you, Mr. Hearing Examiner. Mr.</p> <p>20 White, you've lived in [inaudible] north subdivision;</p> <p>21 correct? Or not presently but up until --</p> <p>22 MR. WHITE: Well, I lived in Middle Farm, which is</p> <p>23 the neighborhood right next to it.</p> <p>24 MR. KLOPMAN: Just right next to it. And you've</p> <p>25 lived there for -- or you had a house there --</p>
<p>186</p> <p>1 MR. CHEN: Respectfully, the questions went beyond</p> <p>2 that. Now, I'm going to abide by the hearing examiner's</p> <p>3 ruling that you're not going to allow me to ask the question</p> <p>4 of this witness.</p> <p>5 MR. PRAGER: No. I --</p> <p>6 MR. CHEN: But --</p> <p>7 MR. PRAGER: Go ahead. Sorry.</p> <p>8 MR. CHEN: I'm going to abide by them. But for the</p> <p>9 record, the question went way beyond -- I won't say way. It</p> <p>10 went beyond just travel time. It went into the size, the</p> <p>11 [inaudible] about the size and how many people are there and</p> <p>12 that type of thing and the facility.</p> <p>13 I think that opens the door at a minimum for me to</p> <p>14 show and ask about the Carriage House. And I have a</p> <p>15 photograph of it, but I abide by your ruling, Your Honor.</p> <p>16 MR. PRAGER: Good.</p> <p>17 MR. CHEN: And we'll come to it later on.</p> <p>18 MR. PRAGER: You will abide by my ruling</p> <p>19 [inaudible]. All right. Thank you very much for your</p> <p>20 testimony.</p> <p>21 MR. KLOPMAN: Thank you, Ms. Gaynor.</p> <p>22 MR. PRAGER: Mr. Klopman?</p> <p>23 MR. KLOPMAN: Scott White.</p> <p>24 MR. PRAGER: Mr. White, you don't have to spell your</p> <p>25 name but give me your full name please.</p>	<p>188</p> <p>1 MR. WHITE: Since 1985.</p> <p>2 MR. KLOPMAN: Since 1985. Okay. And you're here</p> <p>3 today to speak on behalf of Natasha Romano in support of her</p> <p>4 application for conditional --</p> <p>5 MR. WHITE: Yes. I am.</p> <p>6 MR. KLOPMAN: -- use to allow her to have these</p> <p>7 classes in her yoga studio in her house; correct?</p> <p>8 MR. WHITE: Correct.</p> <p>9 MR. KLOPMAN: Okay. Tell us why you support the</p> <p>10 application.</p> <p>11 MR. WHITE: I support the application for a couple</p> <p>12 reasons. One is just go through Mrs. -- as you've heard, Ms.</p> <p>13 Romano has helped a lot of people in the neighborhood. I'm</p> <p>14 one of them. She -- I started classes with her in 2012 and</p> <p>15 was pretty much a regular student up to let's say late 2017.</p> <p>16 Since that time, I've spent a lot of my time in</p> <p>17 Florida as a permanent Florida resident, so I'm back and</p> <p>18 forth. I try to go to class when I can. So the last class I</p> <p>19 actually went to was in I think right in December of 2018. I</p> <p>20 was in town and went to an evening class, one of the Monday</p> <p>21 evening classes. [Inaudible] to be a regular.</p> <p>22 Before that time, I had a couple issues. One, I was</p> <p>23 hitting the retirement age and retired from the government</p> <p>24 and I was retiring from [inaudible]. So she actually helped</p> <p>25 me kind of go through the whole mental process of finding</p>

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<p>189</p> <p>1 contentment, working through was I kind of ready to go or 2 not, from a very mindful sense. 3 And the second time [inaudible] clients, so she's 4 helped me a lot with physical. Balancing, flexibility, 5 keeping myself in some kind of shape as I grow older. So a 6 lot of that I attest to her, and the fact that her studio is 7 close by. 8 I lived in Washington for 30 years, worked in 9 Virginia for 30 years and drove in traffic. The last thing I 10 want to do is drive in traffic to go to a yoga studio or for 11 matter of fact, pretty much anywhere in the world. 12 So her house is easy to get to. It's a mile away 13 from mine. I have driven on occasions and I also occasion, if 14 the whether is right now, I'll even ride my bicycle over 15 there. It's like -- as it's been said before, this whole 16 neighborhood is pretty quiet most of the time. The only time 17 it tends not to be quiet is in the morning during rush hour 18 when everybody and their brother's cutting through the 19 neighborhoods to get to work. 20 After about eight o'clock, nine o'clock, that ends 21 and it gets very quiet again and stays that way until 22 probably about five when the traffic picks up again and 23 people are cutting back and going through the neighborhoods 24 all this time. And then it gets quiet again in the evening. 25 So I've been a big fan of hers and I think it's</p>	<p>191</p> <p>1 sure only a certain amount of people came to the class. 2 MR. WHITE: Right. 3 MR. KLOPMAN: And when you came in December, were 4 there other car -- the other people that attended, they -- do 5 you remember -- 6 MR. WHITE: I suppose there was. I didn't notice. I 7 parked in the driveway and went in. And it was a wet, cold 8 dark evening, so I didn't pay a lot of attention. 9 MR. KLOPMAN: Let's talk about the impact on the 10 neighborhood in terms of when you go to the class. How -- I 11 mean, how long are you -- have you had -- have you observed 12 any impact with the neighborhood from the classes? 13 MR. WHITE: My view is I haven't -- I've lived out 14 there for 30-some odd years; right? My neighborhood's 15 adjacent. It's the same neighborhood. Single-family home. 16 Exactly what's been described. 17 I've fit through a whole generation of people 18 through there; all right? People park in the street. 19 Sometimes they park on the street because they have kids that 20 are in high school that are driving. Sometimes they park less 21 because they have little kids that are in elementary school 22 and they don't have to. 23 So I haven't seen any more impact in this 24 neighborhood than I have in my own neighborhood where I live 25 on a cul-de-sac a mile away. As a matter of fact, I ride my</p>
<p>190</p> <p>1 great to have somebody in the neighborhood where [inaudible] 2 drive three or four or five stoplights around and get 3 somewhere to go someplace through all the traffic. 4 MR. KLOPMAN: What -- you said you were there in 5 December; is that correct? 6 MR. WHITE: Yes. 7 MR. KLOPMAN: How many people were there? 8 MR. WHITE: I'd say about five. I don't recall 9 exactly, but about -- there were -- she doesn't have a big 10 studio so there's not a lot of people that can get in there. 11 And for the record, I parked in the driveway. Didn't have a 12 problem. 13 MR. KLOPMAN: And have -- that is where -- is that 14 where you were told to park now? 15 MR. WHITE: Yes. I was told to park in the driveway. 16 MR. KLOPMAN: Okay. And did you have any trouble -- 17 MR. WHITE: I haven't been -- since I've been sort 18 of out of town a lot 2018, I haven't been real familiar with 19 this. But she did tell me when I told her I was interested in 20 coming to the class, she gave me instructions on where to 21 park, when to get there and what time to get there. And to 22 let her know if I was coming or not. 23 So being a little bit old school, I texted her 24 rather than going on the website, and she texted me back. 25 MR. KLOPMAN: So that was part of the plan to make</p>	<p>192</p> <p>1 bike around that area and I haven't really noticed any major 2 changes over anything over the years. It's been a pretty 3 steady state. 4 MR. KLOPMAN: Let me show you what's in the planning 5 board's staff's report, page 4. It's a picture of Natasha's 6 house. Do you see that? 7 MR. WHITE: Right. 8 MR. PRAGER: What page number? 9 MR. KLOPMAN: I'm sorry. It's page 4. I thought I 10 said that. Page 4 of the staff report which is Exhibit 59A I 11 believe. Okay. You see the streets from Falcon Bridge Drive 12 and Falcon Bridge Terrace? 13 MR. WHITE: Right. 14 MR. KLOPMAN: Does that [inaudible] 15 MR. WHITE: That's normally what it looks like. 16 MR. KLOPMAN: And that would be what it would look 17 like when you'd go to a class at her -- 18 MR. WHITE: Yeah. That would be what it would look 19 like. Yeah. When you go to a class -- a lot of her class, 20 there's rarely anybody parked on the street when I get there 21 -- easily get there early. 22 MR. KLOPMAN: And when you would leave, would it 23 look the same? Except for the -- 24 MR. WHITE: Well, it's hard for me to -- I usually 25 go to the night class, so when I go to the night class, I</p>

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<p>193</p> <p>1 could tell you it's [inaudible] but yeah. I would look -- 2 it's nighttime, so I don't notice. In other words, I'm not 3 weaving in and out around cars to get out of the 4 neighborhood. 5 MR. KLOPMAN: And when the class is over, how long 6 do you interact with the neighborhood? 7 MR. WHITE: About a minute, like the lady said 8 before me. Just long enough to drive in my car, get around, 9 and go down the street to my house. And if I go out the other 10 way, then I [inaudible] the neighborhood because it's a 11 little longer way around, it probably takes me two minutes. 12 MR. KLOPMAN: Okay. And has -- what instructions, if 13 any, have you received from Ms. Romano, or suggestions, about 14 carpooling? 15 MR. WHITE: Oh. She told me to carpool. So that my 16 wife also is a -- she's not here. She's in Florida today. My 17 wife and I also would take a class occasionally and she -- we 18 carpool. So we carpool. Of course, I don't live very far away 19 so it's not a big deal. 20 MR. PRAGER: I'm sorry. I don't understand. You mean 21 when you and your wife come back -- you consider it a 22 carpool? 23 MR. WHITE: Well, yeah. that would be a carpool for 24 me if you're talking about one person per car, yeah. I call 25 that a carpool.</p>	<p>195</p> <p>1 MR. CHEN: Thank you. Are you aware of the parking 2 plan that has been submitted by Ms. Romano for her condition? 3 MR. WHITE: No. The only thing I'm aware is park in 4 the driveway. 5 MR. PRAGER: Mr. Chen, please raise your voice. 6 MR. CHEN: Are you aware that people -- excuse me. 7 Let me strike that. Are you aware that that plan requires 8 parking on the street? 9 MR. WHITE: Only what I've heard in the [inaudible] 10 I have not heard of that. Right. And I also know parking 11 street like right in front of her house. Yes. 12 MR. CHEN: Okay. And you've seen cars parked on the 13 streets in front of her house? 14 MR. WHITE: Yeah. 15 MR. CHEN: No further questions. 16 MR. KLOPMAN: Can I ask -- 17 MR. PRAGER: [Inaudible] 18 MR. KLOPMAN: Can I wait -- I'll wait for your 19 follow-up. 20 MR. PRAGER: Mr. White, let me understand a couple 21 of things. You say you now live in Florida but you're 22 sometimes here. Are there seasonal -- is that seasonal or is 23 it episodic or how -- 24 MR. WHITE: I'd say it's random because I have six 25 grandchildren up here and two kids, and so I come back and</p>
<p>194</p> <p>1 MR. KLOPMAN: Well, I didn't mean to imply that 2 that's -- 3 MR. WHITE: I realize that's not a carpool like I'm 4 going out and yeah. Because most of the people that are at my 5 neighborhood that live close, many of them walk to her 6 studio. So it's not a matter of carpool. I mean, nobody other 7 than my wife that lives close to me that would carpool. 8 MR. KLOPMAN: So in your experience, some of the 9 people that attend these classes, they walk to the class? 10 MR. WHITE: Yeah. They do walk. Yeah. 11 MR. KLOPMAN: And you -- I think you also indicated 12 that on occasions you've biked to the class? 13 MR. WHITE: Yeah. I bike to the class if the 14 weather's right and it's going to be night and the weather's 15 nice. It's a safe neighborhood to park. It's a safe 16 neighborhood to ride in because there's not a lot of traffic 17 going around those times of day. 18 MR. KLOPMAN: And when you say -- the times when she 19 has her classes? 20 MR. WHITE: Yes. She has classes. Night time would 21 be it really depending on the season. I mean, if it's dark, I 22 try [inaudible] in the summertime. 23 MR. KLOPMAN: Thank you, Mr. White. I'm sure Mr. 24 Chen might have some questions. 25 MR. PRAGER: Mr. Chen?</p>	<p>196</p> <p>1 forth and visit. I come up here just time for a week, so I'm 2 up here for a week. 3 But I do tend to spend a little more time here in 4 the spring, early summer and in fall or football season is 5 when I [inaudible]. So I spend several [inaudible]. And once 6 it gets cold [inaudible] back down to Florida. But I'm in and 7 out. 8 MR. PRAGER: But you're still the property owner. 9 MR. WHITE: I'm still the property owner. Yes. 10 [Inaudible] yes. 11 MR. PRAGER: You mentioned rush hour and that there 12 is a lot more traffic during rush hour, people going through 13 neighborhoods. What do you consider the rush hour period? 14 MR. WHITE: I would say rush hour probably -- my 15 consideration with rush hour starts about I'd say 6:30, maybe 16 6, 6:30, around that timeframe in the morning. But it's over 17 by 8:30. Probably about 8:30 it's over. 18 MR. PRAGER: Right. But you go to the evening 19 classes. What about the evening classes? 20 MR. WHITE: The evening classes, people start coming 21 home generally around I'd say four o'clock and it runs until 22 about six, sometimes 6:30. 23 MR. PRAGER: All right. Now, you understand that on 24 Thursday evening, Ms. Romano proposes to have a class between 25 5:00 and 6:15 p.m. That in your definition is rush hours;</p>

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50 (197 to 200)

<p>197</p> <p>1 right?</p> <p>2 MR. WHITE: I would say it would be sort of rush</p> <p>3 hour. It's been [inaudible] neighborhood [inaudible]</p> <p>4 MR. PRAGER: And that --</p> <p>5 MR. WHITE: [Inaudible]</p> <p>6 MR. PRAGER: Right. And so that's -- from your</p> <p>7 perspective, from your testimony, if I understand it, parking</p> <p>8 at that point would be more problematical than the rest of</p> <p>9 it?</p> <p>10 MR. WHITE: [inaudible] the parking, what -- I think</p> <p>11 the only issue we'd have is you would have a pile of people</p> <p>12 going through neighborhoods and not stopping and parking.</p> <p>13 They're driving through.</p> <p>14 So you have cars in the streets and, therefore, the</p> <p>15 parking plan that this gentleman spoke about, does make</p> <p>16 sense. But you don't necessarily -- you try to control that</p> <p>17 parking. Keep the streets less narrow, I guess, I would say.</p> <p>18 MR. PRAGER: And at one point, the only other</p> <p>19 question I have for you at the moment is say again the</p> <p>20 classes you've been to, how many people attend?</p> <p>21 MR. WHITE: So usually around five-ish. Earlier,</p> <p>22 when I used to go more regularly, so back in probably '13,</p> <p>23 '14, '15 [inaudible], she had probably around six or eight</p> <p>24 recently. I don't know if she reduced them down, but, like,</p> <p>25 five or less.</p>	<p>199</p> <p>1 you have kids at home --</p> <p>2 MR. KLOPMAN: There was a car of the students. It</p> <p>3 could be either Ms. Romano's --</p> <p>4 MR. WHITE: I could be one of her -- and, in fact, I</p> <p>5 know one of the cars [inaudible] kids.</p> <p>6 MR. KLOPMAN: Okay. One second. You have attended</p> <p>7 the classes on Thursday at 5:00 o'clock sometimes?</p> <p>8 MR. WHITE: I haven't been there at 5:00 o'clock. I</p> <p>9 can't speak to that.</p> <p>10 MR. KLOPMAN: You can't speak to that? That's all I</p> <p>11 have.</p> <p>12 MR. PRAGER: All right. Thank you, Mr. White.</p> <p>13 MR. WHITE: Thank you.</p> <p>14 MR. PRAGER: We'll go off the record for a moment.</p> <p>15 It's now getting on to 4:30. How many other witnesses do you</p> <p>16 plan -- or 3:30, I'm sorry.</p> <p>17 MR. KLOPMAN: I have one --</p> <p>18 MR. PRAGER: I couldn't tell time. 3:30. What --</p> <p>19 MR. KLOPMAN: I have one, two, three, four -- five</p> <p>20 people.</p> <p>21 MR. PRAGER: Five people. And so, if we're assuming</p> <p>22 that they testify at least 10 minutes, we're talking about 50</p> <p>23 minutes; right?</p> <p>24 MR. KLOPMAN: Yes.</p> <p>25 MR. PRAGER: Okay. Ms. Agresti, how late can you</p>
<p>198</p> <p>1 And so -- I haven't been to any of that, only in</p> <p>2 that '18 timeframe much. And I haven't been since -- I've</p> <p>3 been in Florida since December. So I haven't been here</p> <p>4 recently. So I couldn't speak for December and January,</p> <p>5 February or March [inaudible].</p> <p>6 MR. PRAGER: Right.</p> <p>7 MR. WHITE: Her studio's not that big, so you can</p> <p>8 only get so many people in there.</p> <p>9 MR. PRAGER: Right. But you say about five. Five</p> <p>10 aren't too difficult to count.</p> <p>11 MR. WHITE: No. Five's about -- yeah. I'd say about</p> <p>12 five. Five or six, somewhere in that ballpark. I wasn't aware</p> <p>13 it was a big issue until I -- as a matter of fact, she told -</p> <p>14 - Major Brett [ph] told her, but she didn't [inaudible] why.</p> <p>15 MR. PRAGER: Good. All right. Mr. Klopman.</p> <p>16 MR. KLOPMAN: You talked -- Mr. White, just briefly</p> <p>17 -- I think -- I just want to make it clear. When you say</p> <p>18 there was -- in front of Ms. Romano's house, people for the -</p> <p>19 - you park in the driveway, you say.</p> <p>20 MR. WHITE: I park in the driveway, yeah.</p> <p>21 MR. KLOPMAN: Okay. You talked about somebody</p> <p>22 parking on the street in front of Ms. Romano's. Would those</p> <p>23 be the students who were at the class?</p> <p>24 MR. WHITE: It would seem so. I could be her -- it</p> <p>25 could be one of her cars. I know she has kids at home. So if</p>	<p>200</p> <p>1 stay?</p> <p>2 MS. AGRESTI: I have a really bad cold. I'd like to</p> <p>3 go home now.</p> <p>4 MR. PRAGER: Mr. Klopman, I think since the people</p> <p>5 who are here are testifying on behalf of a commercial</p> <p>6 activity, I'm going to allow Ms. Agresti, who's here in her</p> <p>7 individual capacity, to testify at this point and defer your</p> <p>8 calling additional witnesses until after she's testified.</p> <p>9 MR. KLOPMAN: Given that she's ill, I have no</p> <p>10 problem with that.</p> <p>11 MR. PRAGER: Okay. Mr. Chen. I assume you have no</p> <p>12 objections to that? Okay. Ms. Agresti, we're still off the</p> <p>13 record, but can you come up here and have a seat.</p> <p>14 And when Ms. Agresti is done, I think we'll take a</p> <p>15 10-minute break. How long does it take you, Mr. Chen, to</p> <p>16 cross the street if you wanted to --</p> <p>17 MR. CHEN: Ten minutes. I'm literally on the other</p> <p>18 side of the parking deck. It'll take me 10 minutes to walk</p> <p>19 over.</p> <p>20 MR. PRAGER: Okay. Twelve minutes. Okay. Ten or 12</p> <p>21 minutes? Okay.</p> <p>22 (Off the record.)</p> <p>23 We'll go back on the record.</p> <p>24 While we were off the record, I suggested, and there</p> <p>25 was no opposition from either party, to have Ms. Agresti</p>

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51 (201 to 204)

<p style="text-align: right;">201</p> <p>1 testify, partly because she's independent and partly because</p> <p>2 she explained off the record she's not feeling well or she's</p> <p>3 got a cold, not sure which.</p> <p>4 But in any event. So she is being called out of</p> <p>5 order at this point. Ms. Agresti, would you please spell your</p> <p>6 name -- tell -- sorry. Let's start it all over again. Give me</p> <p>7 your full name and then, spell your last name.</p> <p>8 MS. AGRESTI: Margaret Sharon Agresti, A-g-r-e-s-t-</p> <p>9 i.</p> <p>10 MR. PRAGER: All right. And where do you live?</p> <p>11 MS. AGRESTI: 12510 Hialeah Way. That's about two</p> <p>12 and a half blocks from Warrior One.</p> <p>13 MR. PRAGER: All right. Will you raise your right</p> <p>14 hand, please. Do you swear to tell the truth, the whole</p> <p>15 truth, and nothing but the truth under penalty of perjury?</p> <p>16 MS. AGRESTI: I do.</p> <p>17 MR. PRAGER: All right. Ms. Agresti, I assume you've</p> <p>18 prepared something?</p> <p>19 MS. AGRESTI: I have some comments, yeah.</p> <p>20 MR. PRAGER: All right.</p> <p>21 MS. AGRESTI: I'm an original homeowner. We bought</p> <p>22 our home in 1985 at Fox Hills North. We moved there primarily</p> <p>23 for the peace and quiet.</p> <p>24 It was about as far west in Montgomery County you</p> <p>25 could get without having to deal with well and septic. We</p>	<p style="text-align: right;">203</p> <p>1 when that was happening. It was dangerous.</p> <p>2 Now, things have changed since November. But now, I</p> <p>3 understand why. She's moved her class. So I was wondering</p> <p>4 where all the cars had gone, because they used to park on</p> <p>5 both sides of the street. I guess I also wanted to say that</p> <p>6 when we first moved there, there were covenants that we all</p> <p>7 agreed to that included the fact that there would be no</p> <p>8 businesses.</p> <p>9 Now, currently, there are two other businesses on</p> <p>10 Falconbridge Drive, a party planning business and a</p> <p>11 landscaping business.</p> <p>12 They don't have a lot of customers, but they have</p> <p>13 big truck deliveries and they have employees that park in</p> <p>14 front of their houses and picks up and snow plow equipment</p> <p>15 and things going up and down Falconbridge Drive. So that just</p> <p>16 adds to the safety issue.</p> <p>17 MR. PRAGER: Let me interrupt you to be quite sure.</p> <p>18 How far away are these two places?</p> <p>19 MS. AGRESTI: I have the address.</p> <p>20 [talking over each other]</p> <p>21 MR. PRAGER: How far away from the Romano studio?</p> <p>22 MS. AGRESTI: Two blocks -- well, one's about a</p> <p>23 block, and the other's two blocks. They are 12613 and 12605.</p> <p>24 MR. PRAGER: And they're both on Falconbridge --</p> <p>25 MS. AGRESTI: Drive, yes. So we all agreed to the</p>
<p style="text-align: right;">202</p> <p>1 moved from Bethesda, which was getting very populated. We</p> <p>2 gave up an easy commute in order to move to an area that was</p> <p>3 quiet and peaceful and that I could walk.</p> <p>4 Walking is very important to me and I always try to</p> <p>5 walk in the evenings or at night. And now that I'm retired --</p> <p>6 I've been retired since 2004. So I walk during the day as</p> <p>7 well.</p> <p>8 During this time, I was almost hit by a car coming</p> <p>9 out of the yoga studio. I was walking down the sidewalk</p> <p>10 across the street. They were pulling into a driveway to make</p> <p>11 a turn to go back out to Jones Lane.</p> <p>12 They pulled into the driveway. The lady started</p> <p>13 talking on her cell phone I waited behind the car, waiting</p> <p>14 for her to see me, give any indication that she knew I was</p> <p>15 there. But she talked and talked and talked, so I walked on</p> <p>16 the apron behind her. And then, she just suddenly started to</p> <p>17 back up.</p> <p>18 So it has been a problem for me. It was right after</p> <p>19 I had a hip replacement, so I wasn't really that stable on my</p> <p>20 legs at the time. Which is probably good because I was being</p> <p>21 more careful than I usually would be.</p> <p>22 Also, my husband and I go to the gym twice a week.</p> <p>23 And we actually changed the time we go to the gym so as it</p> <p>24 wouldn't conflict with her Friday morning class letting out.</p> <p>25 Because it was very difficult to get down Falconbridge Drive</p>	<p style="text-align: right;">204</p> <p>1 covenants and the Romanos agreed to the covenants, that there</p> <p>2 wouldn't be any home business. And I understand that that's</p> <p>3 been changed by the county, and primarily for childcare.</p> <p>4 And I understand that's a very important issue,</p> <p>5 having childcare in the neighborhood. I don't see where it's</p> <p>6 that important to have yoga in the neighborhood when you</p> <p>7 think of the Carriage House in Kentlands. I guess that's it.</p> <p>8 MR. PRAGER: All right. Thank you. Mr. Klopman?</p> <p>9 MR. KLOPMAN: Yeah. I have a few questions.</p> <p>10 MR. PRAGER: Go ahead.</p> <p>11 MR. KLOPMAN: Thank you. What is your address</p> <p>12 again, ma'am?</p> <p>13 MS. AGRESTI: 12510 Hialeah Way.</p> <p>14 MR. KLOPMAN: Now, as I understand it, Hialeah Way,</p> <p>15 you go from Jones Lane, you go all the way down Falconbridge</p> <p>16 Drive --</p> <p>17 MS. AGRESTI: And turn right.</p> <p>18 MR. KLOPMAN: -- and you make a right.</p> <p>19 MS. AGRESTI: On Triple Crown. And then, the</p> <p>20 immediate right onto Hialeah.</p> <p>21 MR. KLOPMAN: So then, you go -- make a right and go</p> <p>22 another block. And then, you make a right onto Hialeah and</p> <p>23 you go up the street and you're on the left; correct?</p> <p>24 MS. AGRESTI: Yes.</p> <p>25 MR. KLOPMAN: And that's about half a mile away?</p>

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52 (205 to 208)

<p>205</p> <p>1 MS. AGRESTI: Hmm.</p> <p>2 MR. KLOPMAN: If you do it in your car, it's close</p> <p>3 to half a mile away.</p> <p>4 MS. AGRESTI: Okay.</p> <p>5 MR. KLOPMAN: Okay?</p> <p>6 MS. AGRESTI: But I'm a walker. I walk past that</p> <p>7 regularly.</p> <p>8 MR. KLOPMAN: Yeah. I'm a walker also and I --</p> <p>9 MR. PRAGER: We don't need your testimony.</p> <p>10 MR. KLOPMAN: Okay. I'm not testifying. I just</p> <p>11 wanted to tell her I share that avocation. Now, you had</p> <p>12 written a letter in opposition and you also distributed a</p> <p>13 flyer --</p> <p>14 MS. AGRESTI: Yes.</p> <p>15 MR. KLOPMAN: -- in the neighborhood; correct?</p> <p>16 MS. AGRESTI: To some houses in the neighborhood.</p> <p>17 Yes.</p> <p>18 MR. KLOPMAN: And you represented that 12 people and</p> <p>19 --</p> <p>20 MS. AGRESTI: Right. That was in your Exhibit 14 in</p> <p>21 your original application.</p> <p>22 MR. KLOPMAN: Did you read the application?</p> <p>23 MS. AGRESTI: I saw a copy of it.</p> <p>24 MR. KLOPMAN: So on page two of the application --</p> <p>25 MS. AGRESTI: I saw a different number. But what</p>	<p>207</p> <p>1 MR. KLOPMAN: It's Exhibit 9.</p> <p>2 MR. PRAGER: Yeah. [inaudible]</p> <p>3 MR. KLOPMAN: Yes.</p> <p>4 MR. PRAGER: I've got it. What page are we talking</p> <p>5 about?</p> <p>6 MR. KLOPMAN: Page two. And you read in the</p> <p>7 application I wrote, given the therapeutic benefits that have</p> <p>8 been experienced by the participants of the yoga sessions,</p> <p>9 that that -- and that the yoga classes do not adversely</p> <p>10 impact the neighborhood at all, the conditional use for at</p> <p>11 least eight, but up to ten, people should be granted. You</p> <p>12 read that; right?</p> <p>13 MS. AGRESTI: I don't remember that. I primarily</p> <p>14 looked at Exhibit 14, because that was easier to understand</p> <p>15 than all the narrative.</p> <p>16 MR. PRAGER: Let me take a look at Exhibit 14. All</p> <p>17 right.</p> <p>18 MR. KLOPMAN: But you now understand that the</p> <p>19 application on page two said what I just said; correct?</p> <p>20 MS. AGRESTI: Right.</p> <p>21 MR. KLOPMAN: And it also said what the schedule was</p> <p>22 going to be, Monday, Wednesdays, and Fridays, 9:15 a.m. to</p> <p>23 10:30 a.m.</p> <p>24 MS. AGRESTI: Right.</p> <p>25 MR. KLOPMAN: Thursdays, 5:00 to 6:15 p.m. Monday</p>
<p>206</p> <p>1 number was I supposed to believe?</p> <p>2 MR. KLOPMAN: And you saw that you were at the</p> <p>3 homeowners' association meeting.</p> <p>4 MS. AGRESTI: Right.</p> <p>5 MR. KLOPMAN: Right? And you heard me say --</p> <p>6 MS. AGRESTI: Right. But I haven't sent a letter out</p> <p>7 since the 4th.</p> <p>8 MR. PRAGER: Just a moment. Let him ask his</p> <p>9 question.</p> <p>10 MS. AGRESTI: Oh, I'm sorry.</p> <p>11 MR. PRAGER: What were you going to say -- ask, Mr.</p> <p>12 Klopman?</p> <p>13 MR. KLOPMAN: You heard me say what the schedule was</p> <p>14 going to be; correct?</p> <p>15 MS. AGRESTI: I heard you say you were going to</p> <p>16 amend the application.</p> <p>17 MR. KLOPMAN: Well, I didn't amend it. I clarified</p> <p>18 it, so -- for your -- for people like you who misunderstood -</p> <p>19 -</p> <p>20 MS. AGRESTI: Right.</p> <p>21 MR. KLOPMAN: -- the words in the application. Let's</p> <p>22 just make the -- let's just talk about the application real</p> <p>23 quickly. You went to the --</p> <p>24 MR. PRAGER: Excuse me, Mr. Klopman, for</p> <p>25 interrupting --</p>	<p>208</p> <p>1 evening, 7:45 p.m. to 9:00 p.m. And Saturday mornings at 8:45</p> <p>2 a.m. to 10:00 a.m.; correct?</p> <p>3 MS. AGRESTI: Right.</p> <p>4 MR. KLOPMAN: And that's set forth on page two also;</p> <p>5 correct?</p> <p>6 MS. AGRESTI: I don't have it in front of me.</p> <p>7 MR. KLOPMAN: You want me to show it to you?</p> <p>8 MS. AGRESTI: No. That's okay. Whatever you say.</p> <p>9 MR. KLOPMAN: Thank you.</p> <p>10 MR. PRAGER: I'll verify that that's page two and it</p> <p>11 does say that at the top of the page.</p> <p>12 MR. KLOPMAN: Okay. Just give me a second, Your</p> <p>13 Honor. [inaudible] And then, on -- even after -- that meeting</p> <p>14 between the homeowners' association was in January; correct?</p> <p>15 MS. AGRESTI: The 20th, right.</p> <p>16 MR. KLOPMAN: Right. And then, on January 31st, I</p> <p>17 sent something to the staff at the planning board. You didn't</p> <p>18 read that in the file?</p> <p>19 MS. AGRESTI: I don't have a file. I just had your</p> <p>20 original application. I've seen nothing since then.</p> <p>21 MR. KLOPMAN: Okay. But you then circulated on</p> <p>22 February 5th, did you not, another letter to the people in</p> <p>23 the neighborhood; correct?</p> <p>24 MS. AGRESTI: To a different area of the</p> <p>25 neighborhood, alerting them to the hearing. And I did check,</p>

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53 (209 to 212)

<p style="text-align: right;">209</p> <p>1 and you had not amended your original application. So I</p> <p>2 didn't use any different numbers.</p> <p>3 MR. KLOPMAN: Well --</p> <p>4 MR. PRAGER: Mr. Klopman, what exhibit are we</p> <p>5 talking about?</p> <p>6 MR. KLOPMAN: Well, I don't know if it's a part of</p> <p>7 the -- I don't know if it's part of the file. But my letter</p> <p>8 of January 31st is marked and docketed in the file as Exhibit</p> <p>9 33, and it was documented February 4th, 2019. And that</p> <p>10 letter, if you look at it, Your Honor --</p> <p>11 MR. PRAGER: Yes. If you'll give me a chance to find</p> <p>12 it --</p> <p>13 MR. KLOPMAN: Okay.</p> <p>14 MR. PRAGER: -- I'll look at it. All right. I found</p> <p>15 it.</p> <p>16 MR. KLOPMAN: Okay. And it was a letter that's part</p> <p>17 of the planning board staff's file and part of your file, as</p> <p>18 Exhibit 33. And it makes clear that the schedule was as I</p> <p>19 just indicated.</p> <p>20 And it says that the people that were -- the number</p> <p>21 we're asking for is 10 per class. And that was filed at -- in</p> <p>22 a response to, partly, what Ms. Agresti said at the homeowner</p> <p>23 association meeting.</p> <p>24 Because I wanted to make it clear. Nevertheless, you</p> <p>25 didn't go to the zoning administration office and look at the</p>	<p style="text-align: right;">211</p> <p>1 MR. PRAGER: To yourself? All right.</p> <p>2 MR. CHEN: Yeah. I've never seen --</p> <p>3 MR. PRAGER: We'll go off the record for a moment.</p> <p>4 We'll let you read. And we'll stay off the record when you</p> <p>5 bring it back to me. Do you -- yes. Do you have copies of</p> <p>6 this?</p> <p>7 MR. KLOPMAN: I don't.</p> <p>8 MR. PRAGER: No. We're not on the record yet.</p> <p>9 MR. KLOPMAN: I do not. I'll make copies and I can -</p> <p>10 - after the hearing.</p> <p>11 MR. PRAGER: Okay. And you'll make copies --</p> <p>12 MR. KLOPMAN: For everybody.</p> <p>13 MR. PRAGER: For 66 and 67 too? Those were your --</p> <p>14 MR. KLOPMAN: Yes. Mine was 66. Mr. Chen's was 67.</p> <p>15 MR. PRAGER: Okay</p> <p>16 MR. KLOPMAN: Mine -- this will be 68.</p> <p>17 MR. PRAGER: Right.</p> <p>18 MR. KLOPMAN: I have copies of 66 I can give you. I</p> <p>19 have multiple copies of that.</p> <p>20 MR. PRAGER: And to Mr. Chen.</p> <p>21 MR. KLOPMAN: [inaudible]</p> <p>22 (Off the record.)</p> <p>23 MR. PRAGER: All right. We're back on the record.</p> <p>24 MR. KLOPMAN: Thank you, Your Honor. Ms. Agresti, do</p> <p>25 you have a copy of your February 5th flyer that you</p>
<p style="text-align: right;">210</p> <p>1 record after the homeowners' association meeting?</p> <p>2 MS. AGRESTI: No.</p> <p>3 MR. KLOPMAN: But on -- despite what I said at the</p> <p>4 homeowners' association meeting and my representation that I</p> <p>5 was going to make it clear, you wrote on a February 5th flyer</p> <p>6 to [inaudible] --</p> <p>7 MR. PRAGER: Excuse me. Are you going to -- if it's</p> <p>8 not in the record, and it apparently isn't --</p> <p>9 MR. KLOPMAN: I actually just want to cross-examine</p> <p>10 her on it, unless Your Honor --</p> <p>11 MR. PRAGER: No. I prefer to have this in the</p> <p>12 record. So could you show it to her and we'll mark it. And</p> <p>13 I'd like to see it too.</p> <p>14 MR. CHEN: Yeah. I would too.</p> <p>15 MR. PRAGER: Well, let me show it to the witness</p> <p>16 first.</p> <p>17 MS. AGRESTI: Okay.</p> <p>18 MR. CHEN: What's your next number?</p> <p>19 MR. KLOPMAN: It's 68, I believe.</p> <p>20 MR. PRAGER: Yes.</p> <p>21 MS. AGRESTI: Right. I quoted --</p> <p>22 [talking over each other]</p> <p>23 MR. PRAGER: Yes. It is 68. All right. Show it to</p> <p>24 Mr. Chen and then, show it to me, please.</p> <p>25 MR. CHEN: May I read it?</p>	<p style="text-align: right;">212</p> <p>1 circulated to the letter?</p> <p>2 MS. AGRESTI: Not in front of me.</p> <p>3 MR. KLOPMAN: To the community, rather.</p> <p>4 MS. AGRESTI: No.</p> <p>5 MR. KLOPMAN: Okay. Well, you indicate, again, that</p> <p>6 despite what I represented at the homeowners' association,</p> <p>7 that the approval requested 20 customers per day; correct?</p> <p>8 MS. AGRESTI: I went by Exhibit 14. I think we all</p> <p>9 live in a time now where you don't believe everything you</p> <p>10 hear.</p> <p>11 MR. KLOPMAN: So you didn't believe?</p> <p>12 MS. AGRESTI: No.</p> <p>13 MR. KLOPMAN: Okay. And the fact that I filed it</p> <p>14 with the planning board --</p> <p>15 MS. AGRESTI: I didn't go down to the planning</p> <p>16 board. I'm only a homeowner. How much time do you think</p> <p>17 homeowners have to dedicate themselves? I spent a lot --</p> <p>18 MR. KLOPMAN: As long -- as much time as you have --</p> <p>19 [talking over each other]</p> <p>20 MR. PRAGER: [inaudible] talking. Don't interrupt</p> <p>21 her. Thank you. Did you finish?</p> <p>22 MS. AGRESTI: I answered his question.</p> <p>23 MR. PRAGER: Okay. Good.</p> <p>24 MR. KLOPMAN: But you had time to issue a flyer in</p> <p>25 January, a time to issue a flyer in February, a time to</p>

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<p>213</p> <p>1 circulate a petition. You had that time. 2 MR. PRAGER: I did not circulate -- 3 MR. KLOPMAN: You didn't circulate the petition. Did 4 you tell -- did you circulate other misinformation about this 5 occupation to anybody else? 6 MR. CHEN: Objection. 7 MR. PRAGER: Let -- yes. Let's -- there's no 8 indication it's misinformation. 9 MR. KLOPMAN: Well, Your Honor -- 10 MR. PRAGER: I understand you think it's wrong, so - 11 -but say -- 12 MR. KLOPMAN: I'll ask her. Did you tell anybody 13 else that Ms. Romano's application was for approval for 20 14 customers per day? 15 MS. AGRESTI: Per day? 16 MR. KLOPMAN: Mm-hmm. 17 MS. AGRESTI: Did I tell anybody? 18 MR. KLOPMAN: Yes. 19 MS. AGRESTI: No. 20 MR. KLOPMAN: Hmm. Other than -- how many people did 21 you distribute your flyer to February 5th, 2019? 22 MS. AGRESTI: February 5th, I think it was 110. 23 MR. KLOPMAN: 110 people? Okay. And how did you do 24 that? 25 MS. AGRESTI: You can go on a website and find the</p>	<p>215</p> <p>1 MS. AGRESTI: Yes. I'm retired. 2 MR. KLOPMAN: When did you retire? 3 MS. AGRESTI: 2004. 4 MR. PRAGER: Mr. Klopman, why is that relevant? 5 MR. KLOPMAN: I wanted to find out if -- what her 6 hours were, and that's why I thought it was relevant. 7 MR. PRAGER: Well, why don't you ask that directly? 8 MR. KLOPMAN: Well, now that I've found -- I 9 understand that she retired in 2004, I understand it. Excuse 10 me, Mr. Chen. Let me show you what's been -- I've been 11 referring to as Exhibit -- as part of Exhibit 59A, which is 12 the planning board staff's report. Do you see that? 13 MS. AGRESTI: Mm-hmm. 14 MR. KLOPMAN: And you see the Falconbridge Drive and 15 the Falconbridge Terrace streets there? 16 MS. AGRESTI: Yeah. 17 MR. KLOPMAN: Is that what does streets look like on 18 a typical day? 19 MS. AGRESTI: They look like this now. Prior to 20 November and previous years, there would be people parked in 21 the mornings along Falconbridge Drive during the yoga class. 22 MR. KLOPMAN: Okay. So the students would park in 23 Ms. Romano's house; correct? 24 MS. AGRESTI: Yeah. 25 MR. KLOPMAN: Outside of those students parking</p>
<p>214</p> <p>1 addresses and names of residents by street. 2 MR. KLOPMAN: And did you go and drop the flyer off 3 to their houses? 4 MS. AGRESTI: Did I do what? No. I mailed them. 5 MR. KLOPMAN: You mailed them? 6 MS. AGRESTI: Yes. 7 MR. KLOPMAN: So you took the time to make 110 8 copies -- 9 MS. AGRESTI: Right. Because this means a lot to me. 10 MR. KLOPMAN: And you generally -- the reason that 11 you indicated at the homeowners' association, your problem is 12 with generally having a home business in the neighborhood. 13 MS. AGRESTI: That's one of my issues, yes. 14 MR. KLOPMAN: And you think it's so important that 15 you felt that you should tell people that this residence is 16 going to have 20 people a day -- 17 MS. AGRESTI: I only went by the numbers that I saw 18 on Exhibit 14. 19 MR. KLOPMAN: As opposed to what I told -- 20 MR. PRAGER: Mr. Klopman, excuse me. I think you've 21 made your point. 22 MR. KLOPMAN: Thank you, Your Honor. Thank you. 23 MR. PRAGER: Does that mean you're -- 24 MR. KLOPMAN: No. I'm not done. I'm [inaudible] 25 paper notes here. You said you retired; is that correct?</p>	<p>216</p> <p>1 there, and they weren't there, that's what -- when the worm 2 [ph] class is. 3 That -- this -- page four of the staff of the 4 planning board, again, which is Exhibit 59A, that's what the 5 street typically looks like, Falconbridge Drive and 6 Falconbridge Terrace? 7 MS. AGRESTI: Well, it depends on what time of day. 8 If you're talking about when school starts, there is a lot of 9 cars lined up bringing their kids to drop off to school. 10 MR. KLOPMAN: So assuming that -- let's talk about 11 after school starts. 12 MS. AGRESTI: Okay. 13 MR. KLOPMAN: And school's in session, 9:00 o'clock. 14 After that. Isn't that what Falconbridge Drive and 15 Falconbridge Terrace typically looks like? 16 MS. AGRESTI: During a regular Monday through 17 Friday, yeah. 18 MR. KLOPMAN: And Saturday mornings -- would you say 19 it also looks like that on Saturday mornings? 20 MS. AGRESTI: I'm not aware. I don't walk up that 21 way on Saturday mornings. 22 MR. KLOPMAN: And on Friday -- or, rather, Thursday, 23 late afternoon, 5:00 o'clock, would you say this picture 24 typically would reflect what it would look like then? 25 MS. AGRESTI: I'm home fixing dinner at 5:00</p>

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<p>217</p> <p>1 o'clock. I don't know. 2 MR. KLOPMAN: So you don't know? 3 MS. AGRESTI: No. 4 MR. KLOPMAN: Okay. And then, at 7:30 -- 5 MS. AGRESTI: I don't go out at night. I can't see 6 to drive. 7 MR. KLOPMAN: So it's a safe statement that you 8 don't know what the conditions are on Thursday afternoon at 9 5:00 o'clock or on Monday nights at 7:30? 10 MS. AGRESTI: Right. Monday and Friday are the times 11 -- I think it was Monday and Friday, are the times that I had 12 the most difficulty with driving past there. 13 MR. KLOPMAN: And that would be around 10:00? 14 MS. AGRESTI: Yeah. About 10:00 o'clock. 15 MR. KLOPMAN: 10:00 o'clock. But, again, just to be 16 clear on this, when there aren't any classes in session -- 17 MS. AGRESTI: Right. That's what it's like. 18 MR. KLOPMAN: -- Exhibit Number 4 -- page 4, rather, 19 claims that the planning board staff's report is what it 20 typically looks like on Falconbridge Drive and Falconbridge 21 Terrace. 22 MS. AGRESTI: During the week. Yes. 23 MR. KLOPMAN: Okay. And you don't know about 24 Saturday, Thursday afternoon, or Monday? 25 MS. AGRESTI: I do not, no.</p>	<p>219</p> <p>1 MS. AGRESTI: We also discussed historically the 2 times in the past that the yoga classes at the home studio 3 have had 10 to at most 12 attendees have been when Ms. Romano 4 held what she referred to as donation classes for charitable 5 purposes. 6 MR. CHEN: That's within scope of your -- 7 MS. AGRESTI: Yeah. 8 MR. CHEN: Let me show you Exhibit Number 32, Your 9 Honor. That is a pre-hearing statement that has been copied 10 and submitted. My understanding is that this is dated 11 February 4th or 5th. 12 MR. PRAGER: Yes. That's correct. 13 MR. CHEN: Okay. Thank you. Are you there, Your 14 Honor? 15 MR. PRAGER: I am. What page in particular? 16 [talking over each other] 17 MR. CHEN: -- page two and the middle paragraph that 18 begins Ms. Romano requests. 19 MS. AGRESTI: Want me to read it? 20 MR. CHEN: Please read it. Ms. Romano requests the 21 opportunity to continue to hold these donation classes for 22 charity and therefore, asks that the minimum -- the maximum, 23 I'm sorry, maximum number of attendees be allowed to be 10. 24 MR. CHEN: That within the scope of your letter 25 representing the amount of activity?</p>
<p>218</p> <p>1 MR. KLOPMAN: Okay. I'm finished, Your Honor. I'm 2 finished. 3 MR. PRAGER: You're finished? All right. Mr. Chen. 4 MR. CHEN: May I approach? 5 MR. PRAGER: You may. 6 MR. CHEN: Ms. Agresti? 7 MS. AGRESTI: Agresti. 8 MR. CHEN: Agresti. I'd like to show you Exhibit 9 Number 33, which is Mr. Faulkman's [ph] letter to the park 10 and planning commission staff of January 31, 2019. Directing 11 you to the last -- the bottom paragraph. Could you please 12 read it -- 13 MR. PRAGER: To which? 14 MR. CHEN: It's Exhibit -- 15 [talking over each other] 16 MR. PRAGER: -- exhibit, but what paragraph? 17 MR. CHEN: It's the bottom on the first page. The 18 first sentence in the bottom paragraph. 19 MR. PRAGER: We've also discussed? 20 MR. CHEN: Yeah. 21 MR. PRAGER: All right. I think that's what it says 22 here. 23 MS. AGRESTI: Yeah. 24 [talking over each other] 25 MR. PRAGER: Please read that.</p>	<p>220</p> <p>1 MS. AGRESTI: I believe so. 2 MR. CHEN: I have no further questions. 3 MR. KLOPMAN: Your Honor, I have -- Your Honor -- 4 MR. PRAGER: Just a moment. I'm going to ask a 5 question too. Could I see that exhibit, the letter -- the 6 Agresti -- that you recently wrote. No. No, no. The Agresti 7 letter. 8 MR. CHEN: Oh, the Agresti letter. I have it. 9 MR. PRAGER: Thank you. 10 MR. KLOPMAN: Judge, is that going to be admitted in 11 evidence? 12 MR. PRAGER: Yes. It is. And it's already Exhibit 13 68. Now, on the second page, it says sign a petition. And 14 then, it gives an e-mail address that's starting with c-u -- 15 MS. AGRESTI: 1906. 16 MR. PRAGER: 1906; right? Is that something you 17 created? 18 MS. AGRESTI: No. 19 MR. PRAGER: Who created it? As far as you know. 20 MS. AGRESTI: I think it was Lauren Hubert [ph]. 21 MR. PRAGER: Okay. So you basically latched onto an 22 existing e-mail address? 23 MS. AGRESTI: Yes. 24 MR. PRAGER: It is. That's correct. To what extent 25 have you and Ms. Hubert talked about either your testimony</p>

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<p>221</p> <p>1 today or your opposition to this?</p> <p>2 MS. AGRESTI: We didn't talk about my testimony</p> <p>3 today at all. I did talk to him several times before meeting</p> <p>4 a couple of other times about the situation in the</p> <p>5 neighbourhood. And then, people stand outside and talk about</p> <p>6 things.</p> <p>7 MR. PRAGER: And did you initiate those or did she?</p> <p>8 MS. AGRESTI: I think half and half.</p> <p>9 MR. PRAGER: All right. Okay. Let me just</p> <p>10 understand. The homeowners' association includes both Ms.</p> <p>11 Romano's property and your property; is that correct?</p> <p>12 MS. AGRESTI: Yes.</p> <p>13 MR. PRAGER: And tell me again how far away from Ms.</p> <p>14 Romano's property you live.</p> <p>15 MS. AGRESTI: I've never measured it in miles. I</p> <p>16 think Mr. Klopman said it was a mile.</p> <p>17 MR. KLOPMAN: No.</p> <p>18 MS. AGRESTI: No. I don't think it's a mile.</p> <p>19 [talking over each other]</p> <p>20 MR. PRAGER: You walk it. How long does it take you</p> <p>21 to walk?</p> <p>22 MS. AGRESTI: Maybe five or six minutes.</p> <p>23 MR. PRAGER: That certainly seems short. And you say</p> <p>24 you've had some physical problems. So you're not a fast</p> <p>25 walker?</p>	<p>223</p> <p>1 petition, see a picture of the cu1906 application and contact</p> <p>2 cu1906neighborhoodpetition@gmail.com. Is that correct?</p> <p>3 MS. AGRESTI: Yes.</p> <p>4 MR. KLOPMAN: Who gave you that information?</p> <p>5 MS. AGRESTI: Lauren Hubert.</p> <p>6 MR. KLOPMAN: Okay. Lauren Hubert.</p> <p>7 MS. AGRESTI: Yeah.</p> <p>8 MR. KLOPMAN: The daughter?</p> <p>9 MS. AGRESTI: Yeah.</p> <p>10 MR. KLOPMAN: Okay. How long have you known Lauren</p> <p>11 Hubert?</p> <p>12 MS. AGRESTI: I met them all at the same time, in</p> <p>13 December.</p> <p>14 MR. KLOPMAN: And what I suggested to you, ma'am,</p> <p>15 was that you live about half a mile away, 0.5.</p> <p>16 MS. AGRESTI: Okay.</p> <p>17 MR. KLOPMAN: You would agree with that?</p> <p>18 MS. AGRESTI: That's probably right.</p> <p>19 MR. KLOPMAN: Yes. I wasn't saying a mile.</p> <p>20 MS. AGRESTI: I'm sorry.</p> <p>21 MR. KLOPMAN: That's all I have.</p> <p>22 MR. PRAGER: Good. Thank you, Ms. Agresti. Thank</p> <p>23 you.</p> <p>24 MS. AGRESTI: Thank you.</p> <p>25 MR. PRAGER: And I hope you feel better.</p>
<p>222</p> <p>1 MS. AGRESTI: I am again now.</p> <p>2 MR. PRAGER: Oh, you are.</p> <p>3 MS. AGRESTI: Since I had my hip replaced.</p> <p>4 MR. PRAGER: Okay. Because typically, a mile is 15</p> <p>5 to 20 minutes, depending --</p> <p>6 MS. AGRESTI: Yeah. So it's nowhere near a mile.</p> <p>7 MR. PRAGER: All right. Good. Thank you. Mr.</p> <p>8 Klopman. Here we go.</p> <p>9 MR. KLOPMAN: May I ask a few follow-up questions?</p> <p>10 MR. PRAGER: You may.</p> <p>11 MR. KLOPMAN: Thank you. Ms. Agresti, how long have</p> <p>12 you known Ms. Hubert?</p> <p>13 MS. AGRESTI: Ms. Lauren Hubert?</p> <p>14 MR. KLOPMAN: Lauren or Jean.</p> <p>15 MS. AGRESTI: I guess it was around Christmas on the</p> <p>16 phone [ph].</p> <p>17 MR. KLOPMAN: Of 2018?</p> <p>18 MS. AGRESTI: Right.</p> <p>19 MR. KLOPMAN: And the petition that you --</p> <p>20 MS. AGRESTI: Alluded to?</p> <p>21 MR. KLOPMAN: -- alluded to in your February 5th,</p> <p>22 2019, flyer that you distributed to 110 people, you talk</p> <p>23 about a petition. Sign a petition in opposition to this major</p> <p>24 impact use application.</p> <p>25 And then, you say to request information on the</p>	<p>224</p> <p>1 MS. AGRESTI: Thank you.</p> <p>2 MR. PRAGER: We're going to take about a 15-minute</p> <p>3 break. Now, we'll go off the record. It's quite clear we are</p> <p>4 not going to end today. That's very obvious. Let me tell you.</p> <p>5 We'll come back and we'll go off the record again to discuss</p> <p>6 the future.</p> <p>7 But it is very likely that the next hearing will be</p> <p>8 in early to mid-April. It won't be in March. But that's not</p> <p>9 conclusive. So when you come back, then we'll discuss this</p> <p>10 informally. Come back with some suggested dates.</p> <p>11 First of all, I want to hear from your date. And</p> <p>12 then, I may have to confer to see what days either this</p> <p>13 hearing room or some other hearing room is available. So I</p> <p>14 can't commit immediately to which date it will be. Any</p> <p>15 questions? We're off the record.</p> <p>16 (Off the record.)</p> <p>17 So Mr. Klopman, you somewhat quizzically --</p> <p>18 MR. KLOPMAN: Oh, no. I didn't mean to. That's just</p> <p>19 me generally, Your Honor. My question is are we going to take</p> <p>20 more testimony or can I release the witnesses or what --</p> <p>21 MR. PRAGER: No. We're going to do what we can this</p> <p>22 afternoon.</p> <p>23 MR. KLOPMAN: Okay. Fine. But I don't think, given</p> <p>24 that --</p> <p>25 MR. PRAGER: At least some of the witnesses, because</p>

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<p>225</p> <p>1 it doesn't look like -- let's assume -- 2 MR. KLOPMAN: It doesn't look like we're going to 3 get to those legal issues that Mr. Yannochek [ph]; right? So 4 can I release -- 5 MR. PRAGER: No. You can release -- I think Mr. 6 Yannochek, that's clear; right? We're going to get to that. 7 There's no problem with that. Especially since these -- you 8 have to pay him, I assume. So let him -- we'll release him 9 Yeah. We won't have it today. 10 MR. KLOPMAN: Thank you. I'll call my office for -- 11 MR. PRAGER: And how many people can you squeeze in 12 this session? 13 [talking over each other] 14 MR. PRAGER: We're talking about in 15 minutes. My 15 recollection, I could be corrected, is that we interrupted 16 Ms. Romano's testimony that I hadn't asked her any questions 17 after Mr. Chen finished. 18 So that's likely to be the first thing when we come 19 back. We're not going to do it today [inaudible]. But you 20 should be aware that I will recall her for her direct 21 testimony. Not further rebuttal. 22 MR. KLOPMAN: And, Your Honor, may I present this to 23 you? Because I'm afraid with all the paper I have, if we 24 leave and I haven't given it to you, God knows what will 25 happen to it. It's an affidavit of posting. Can I present</p>	<p>227</p> <p>1 MR. PRAGER: All right. State where you live, 2 please. 3 MS. GNIADEK: I live at 12609 Timonium Terrace. I'm 4 a member of Foxhill -- 5 MR. PRAGER: I just wanted to know where you live. 6 MS. GNIADEK: Okay. 7 MR. PRAGER: Do you swear to tell the truth, the 8 whole truth, and nothing but the truth subject to penalty of 9 perjury? 10 MS. GNIADEK: I do. 11 MR. PRAGER: All right. Mr. Klopman will ask you 12 questions. 13 MS. GNIADEK: Sure. No problem. 14 MR. KLOPMAN: I'm going to follow the same format 15 that we did follow. Going to ask her some questions, let her 16 talk, and then, have any follow-up questions. Okay. Ms. 17 Gniadek, you're here in support of Ms. Romano's application; 18 is that correct? 19 MS. GNIADEK: That's correct. 20 MR. KLOPMAN: You've written a letter in support? 21 MS. GNIADEK: That's correct. 22 MR. KLOPMAN: And you're here to ask the hearing 23 examiner to grant the conditional use application on behalf 24 of Ms. Romano? 25 MS. GNIADEK: Yes.</p>
<p>226</p> <p>1 that to you now? 2 MR. PRAGER: Yeah. That, we'll do on the record. 3 MR. KLOPMAN: Okay. 4 MR. PRAGER: Because that has to be part of the 5 record. 6 MR. KLOPMAN: Okay. Thank you. 7 MR. PRAGER: And we'll do that. Just remind me. 8 We'll do that the last thing this afternoon. 9 MR. KLOPMAN: Okay. 10 MR. PRAGER: Or next to last thing. 11 [inaudible] 12 MR. PRAGER: Right. Mr. Klopman let's call your next 13 witness. 14 MR. KLOPMAN: Okay. I'm going to call Jaimee -- 15 MS. GNIADEK: Gniadek. 16 MR. KLOPMAN: Gniadek. Okay. I'm glad she said it. 17 MS. GNIADEK: I'm truly going to have to spell it. 18 MR. KLOPMAN: Please spell it and -- 19 [talking over each other] 20 MR. PRAGER: I'll ask her. All right. We're back on 21 the record. You've been called by Mr. Klopman. Would you give 22 me your full name and spell your last name. 23 MS. GNIADEK: Sure. My name is Jaimee Gniadek. My 24 first name is J-a-i-m-e-e; not typical. Last name is Gniadek, 25 G-n-i-a-d-e-k.</p>	<p>228</p> <p>1 MR. KLOPMAN: I understand that you -- how long have 2 you lived in the neighborhood? 3 MS. GNIADEK: I have lived in the neighborhood for 4 14 years. 5 MR. KLOPMAN: And how far away from Ms. Romano's 6 house do you live? 7 MS. GNIADEK: Less than a quarter of a mile. It's a 8 third of a mile from my house to Jones Lane Elementary 9 School. And she's a little over half of it. So half of a 10 third. 11 MR. KLOPMAN: Okay. Six? 12 MS. GNIADEK: Six. Yeah. [inaudible] 13 MR. KLOPMAN: Okay. All right. So please tell us why 14 you support the application. And I understand your focus is 15 on the neighborhood. 16 MS. GNIADEK: Yes. My focus is completely on the 17 neighborhood. I am a stay-at-home middle-aged mom. I come and 18 go all day. 19 [inaudible] Falconbridge Drive, Falconbridge 20 Terrace, Lloydminster, Timonium; that's what I do, all day. 21 My -- I have three children, and for the past 12 years, 22 they've been walking to Jones Lane Elementary School. We do 23 not get a bus; we walk. 24 My one son was on, actually, Montgomery County 25 Safety Patrol on the corner in question, Falconbridge Drive</p>

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<p style="text-align: right;">229</p> <p>1 and Falconbridge Terrace.</p> <p>2 So he was 10 years old at the time, turning 11, out</p> <p>3 on that corner directing kids to cross with no adult, through</p> <p>4 the county program. There's never been a car issue at that --</p> <p>5 whether it's -- and that's rush hour time, since 8:30 to</p> <p>6 9:00. It's even before yoga.</p> <p>7 MR. KLOPMAN: Let's focus on the conditions while</p> <p>8 these classes are held, which is Monday, Wednesdays, and</p> <p>9 Fridays, 9:15 to 10:30. Thursday, 5:00 to 6:15. Saturday,</p> <p>10 8:45 to -- no. It's not. It's not 8:45. 9:00 to 10:15. And</p> <p>11 Monday evening, 7:45 to 9:00 o'clock.</p> <p>12 MS. GNIADEK: Okay. In the mornings, I walk at that</p> <p>13 time. Generally, my kids walk to school or I drive them. I</p> <p>14 come home.</p> <p>15 If I'm going to walk in the neighborhood, I park my</p> <p>16 car, and I definitely walk that whole route from Falconbridge</p> <p>17 Drive, Falconbridge Terrace, Triple Crown, around, across</p> <p>18 Jones Lane. Every Tuesday and Thursday, for sure, I do that.</p> <p>19 Sometimes, on Wednesdays. Sometimes, on Mondays and</p> <p>20 Fridays. For exercise. Anywhere from one to -- anywhere from</p> <p>21 three to five miles.</p> <p>22 MR. KLOPMAN: Okay. This neighborhood consists of</p> <p>23 single-family homes; correct?</p> <p>24 MS. GNIADEK: Correct. Well, there are some</p> <p>25 townhouses further back, but --</p>	<p style="text-align: right;">231</p> <p>1 MS. GNIADEK: Okay.</p> <p>2 MR. KLOPMAN: Okay? Does that orient you?</p> <p>3 MS. GNIADEK: Yes.</p> <p>4 MR. KLOPMAN: Okay.</p> <p>5 MS. GNIADEK: Mm-hmm.</p> <p>6 MR. KLOPMAN: And does that picture fairly and</p> <p>7 accurately depict the condition of those streets during the</p> <p>8 hours of her class?</p> <p>9 MS. GNIADEK: Yes. For sure.</p> <p>10 MR. KLOPMAN: And that's what you --</p> <p>11 MS. GNIADEK: Yes. And my -- actually, my son's best</p> <p>12 friend lives at a house abutting that.</p> <p>13 So I go back and forth to that house at, let me see</p> <p>14 it, 15132 Falconbridge Terrace, it's one of the abutting</p> <p>15 houses to Natasha's, for nine years.</p> <p>16 I've probably pulled into that street and driveway</p> <p>17 hundreds of times at 7:00 in the evening, 9:00 o'clock on a</p> <p>18 Saturday to pick him up from a sleepover.</p> <p>19 And I've never had -- I have a big SUV. I had an</p> <p>20 Expedition for 10 years. I never had a problem going down</p> <p>21 Falconbridge Terrace and the cul-de-sac to pick him up.</p> <p>22 MR. KLOPMAN: How about Falconbridge Drive?</p> <p>23 MS. GNIADEK: Falconbridge Drive is so wide, two --</p> <p>24 four cars across can fit. Falconbridge Terrace is a tertiary</p> <p>25 street, I believe, over there. So it's a lot more narrow. So</p>
<p style="text-align: right;">230</p> <p>1 MR. KLOPMAN: Not in the general vicinity?</p> <p>2 MS. GNIADEK: No.</p> <p>3 MR. KLOPMAN: And do each house have -- does each</p> <p>4 house have a two-car garage?</p> <p>5 MS. GNIADEK: Yes. Each car would have a two-car</p> <p>6 garage and a two-car driveway.</p> <p>7 MR. KLOPMAN: The hour of these classes, the yoga</p> <p>8 classes, that Ms. Romano is requesting be approved for her</p> <p>9 conditional use, have you had an opportunity to see the --</p> <p>10 whether there are any cars on Falconbridge Terrace or</p> <p>11 Falconbridge Drive? Can you describe the conditions as you've</p> <p>12 seen them?</p> <p>13 MS. GNIADEK: As I've seen them, it's the same as</p> <p>14 any other time, truthfully. Maybe there's one or two cars</p> <p>15 more than at 3:00 in the afternoon -- or at 7:00, but it's</p> <p>16 not like an abundance of cars, at any -- I would never know</p> <p>17 if there's a yoga class going on or not a yoga class going</p> <p>18 on.</p> <p>19 MR. KLOPMAN: So let me show you what's page four of</p> <p>20 the staff of the planning board, which is, again, Exhibit</p> <p>21 59A. And do you see there the streets Falconbridge Terrace</p> <p>22 and Falconbridge Drive? You see there's --</p> <p>23 MS. GNIADEK: Yeah. Is this Natasha's house in</p> <p>24 yellow?</p> <p>25 MR. KLOPMAN: Yes.</p>	<p style="text-align: right;">232</p> <p>1 I understand the issue of cars parking on both sides.</p> <p>2 And, in fact, the family that lives next to my son's</p> <p>3 friends, the Ruberys, did have an issue. And I talked to her</p> <p>4 at the HOA meeting, asking her if she was in support of this</p> <p>5 or against it. And she told me, I'm in support of it.</p> <p>6 However, I did have an issue. When I couldn't -- she</p> <p>7 has a big Denali or one of those really huge trucks. When she</p> <p>8 couldn't get it down, she talked to Natasha.</p> <p>9 And Natasha said, I will make sure people do not</p> <p>10 park on that other side of the street, so there's room for a</p> <p>11 car to go down.</p> <p>12 And she said she has not had an issue since that</p> <p>13 day. This is a conversation she and I had at the Jones Lane</p> <p>14 HOA meeting for this --</p> <p>15 MR. KLOPMAN: And you understand from Ms. Rubury</p> <p>16 that she filed a letter in support?</p> <p>17 MS. GNIADEK: Yes. I did not know that until I saw</p> <p>18 it on the list that we -- the five-page thing. I did not ask</p> <p>19 her if she saw those lists. I just asked her if she had an</p> <p>20 issue with it. I didn't know if she -- I didn't really ask</p> <p>21 her that question.</p> <p>22 MR. KLOPMAN: That's 59 --</p> <p>23 MS. GNIADEK: But I do see her on the list of names</p> <p>24 of support.</p> <p>25 MR. KLOPMAN: That's 59E of the exhibit. And I see</p>

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59 (233 to 236)

<p style="text-align: right;">233</p> <p>1 that -- I probably had done this more than once, and I 2 apologize to The Court. The planning board technical staff 3 report is actually 64A and I think I've been calling it 59A. 4 So I apologize. So what I showed you before was a 5 part of the planning board report, which is 64A, and it's 6 page 4. Is there anything else that you want to talk about? 7 MS. GNIADEK: No. There's just never -- that corner 8 is generally a busier corner in general, but it's not any 9 busier at yoga time than it would be any other time of the 10 day. 11 MR. KLOPMAN: And again, in terms of cars parking on 12 the street -- 13 MS. GNIADEK: No. There are -- I mean, a couple of 14 the people do have grown children, so they have three cars. 15 And they might park a car on the street throughout that whole 16 entire area. 17 But no, there's not -- it's -- you're not blind. 18 There's no blind spots due to -- if you're at the -- are 19 there blind spots due to cars being parked, that is not and 20 never been an issue in the 14 years I've lived there. And I 21 go out that way seven to eight times a day. 22 MR. KLOPMAN: Thank you. You're familiar with the 23 neighbors in the cul-de-sac; correct? 24 MS. GNIADEK: Yes. Mm-hmm. 25 MR. KLOPMAN: And who are they? Do you remember?</p>	<p style="text-align: right;">235</p> <p>1 MS. GNIADEK: You're welcome. 2 MR. PRAGER: Would you, for the record, spell -- you 3 mentioned a couple of names. Would you spell those names out? 4 MS. GNIADEK: Sure. The first one is -- the last -- 5 can I just give you the last names? 6 MR. PRAGER: Yeah. 7 MS. GNIADEK: Newton, N-e-w-t-o-n. Ruberi, R-u-b-e- 8 r-y. Those were the people that actually wrote letters 9 according to the packet we got when we walked in. The other 10 one is Wagner, W-a-g-n-e-r. They have not written a letter 11 for or opposed, but that is the one my son is friends with. 12 MR. PRAGER: Good. Thank you. 13 MS. GNIADEK: Mm-hmm. 14 MR. PRAGER: Mr. Chen. 15 MR. CHEN: Thank you, Your Honor. Ma'am, I 16 understand you testified that you walk your children to Jones 17 Lane. 18 MS. GNIADEK: Well, I did until this year. He's in 19 middle school now. But that -- 20 MR. CHEN: Say it again. 21 MS. GNIADEK: I didn't until this year. Now, he's in 22 middle school, my youngest. I have three boys. For 12 23 straight years, I did. 24 MR. CHEN: And your testimony was that was between 25 8:30 and 9:00 o'clock?</p>
<p style="text-align: right;">234</p> <p>1 Like, do you know? Could you -- 2 MS. GNIADEK: Do you want me to name all their 3 names? 4 MR. KLOPMAN: The ones that support the application. 5 MS. GNIADEK: Caroline Newton, Lauren Rubery -- I 6 really didn't -- I don't -- I didn't really ask the other 7 ones. I don't know. But those are the two people that are 8 somewhat about her -- live in the closest houses. 9 MR. KLOPMAN: Okay. And they live on Falconbridge 10 Terrace? 11 MS. GNIADEK: Yes. They do. In the part where I -- 12 we drive. 13 MR. KLOPMAN: Okay. Thank you. One more question. 14 And -- have you had any discussions with any other people in 15 the cul-de-sac about the parking? 16 MS. GNIADEK: I did talk to my son's best friends, 17 the Wagners. I asked her is it a problem. And she goes, it 18 used to be a problem. 19 However, since Natasha posted the new instructions 20 not to park on our street, it has not been a problem. I think 21 she has decided not to take a position either way on this. 22 She's not for it or against it. She has not written 23 a letter in opposition or a letter in support. She's just 24 decided to be neutral. 25 MR. KLOPMAN: Okay. All right. Thank you.</p>	<p style="text-align: right;">236</p> <p>1 MS. GNIADEK: Yeah. Or 8:15, 9:00, whenever. The 2 year he was a safety patrol, he walked himself. The one child 3 [inaudible]. 4 MR. CHEN: Okay. And you also testified that -- 5 correct me if I'm mistaken, that the exhibit that you were 6 shown on page 4, it says 64 -- 7 MR. KLOPMAN: Let's be sure I do it right. 8 MR. CHEN: I think that's 67. 9 MR. KLOPMAN: No. 10 MR. CHEN: Oh, oh -- 11 MR. KLOPMAN: No. No, it's not. Of the staff report 12 -- 13 MR. CHEN: Yeah. Page 4. 14 MR. KLOPMAN: It's 64A, page 4 of the staff report. 15 MR. CHEN: Okay. 16 MR. PRAGER: But page -- it's page 4? 17 MR. KLOPMAN: Yeah. I believe so. 18 MR. CHEN: I'm showing you page 4 again. 19 MS. GNIADEK: Sure. 20 MR. CHEN: Can you tell the examiner that the image 21 shown in the photograph on page 4 is how the area, including 22 the Romano property, looks as far as traffic is concerned 23 during classes for yoga? 24 MS. GNIADEK: Yeah. 25 MR. CHEN: So there's -- no cars have to come to the</p>

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<p style="text-align: right;">237</p> <p>1 site?</p> <p>2 MS. GNIADEK: Well, there could be. But -- you're</p> <p>3 asking if this is a typical day?</p> <p>4 MR. CHEN: Yeah. No.</p> <p>5 MS. GNIADEK: Okay. What are you asking?</p> <p>6 MR. CHEN: Your testimony that I thought you said,</p> <p>7 and that's why I'm asking you, is you said that the image</p> <p>8 shown on page 4 is what it looks like during yoga class.</p> <p>9 MR. KLOPMAN: No.</p> <p>10 MS. GNIADEK: I said that -- excuse me. May I say</p> <p>11 it?</p> <p>12 MR. CHEN: Sure.</p> <p>13 MS. GNIADEK: I said that I can't tell the</p> <p>14 difference between a normal day of me going to volunteer at</p> <p>15 Jones Lane at 10:00 o'clock, or yoga class.</p> <p>16 MR. CHEN: Now, during yoga class, are there cars in</p> <p>17 the Romano driveway?</p> <p>18 MS. GNIADEK: Possibly, if there's more than -- if</p> <p>19 there's two people, there'd be two cars, I suppose.</p> <p>20 MR. CHEN: And how about parking on the street?</p> <p>21 MS. GNIADEK: I have never noticed a car parked on</p> <p>22 the street for yoga class.</p> <p>23 MR. CHEN: And when do you go to yoga class?</p> <p>24 MS. GNIADEK: I don't go to yoga class.</p> <p>25 MR. CHEN: Oh, you've never gone to yoga class?</p>	<p style="text-align: right;">239</p> <p>1 a mile, that these cars, due to Natasha's yoga studio, are</p> <p>2 causing a burden to our neighborhood. My children are in</p> <p>3 danger of getting hit by a car. I mean, I don't feel that.</p> <p>4 MR. CHEN: Did you hear the testimony of the lady</p> <p>5 who testified that she almost got hit?</p> <p>6 MS. GNIADEK: How did she know it was someone going</p> <p>7 to yoga class for sure? What if I was dropping my child off</p> <p>8 at Natasha's house for a playdate?</p> <p>9 MR. CHEN: Because --</p> <p>10 MS. GNIADEK: How does she know that?</p> <p>11 MR. CHEN: Her testing [sic] was during the yoga</p> <p>12 class, the cars were stacked in the driveway.</p> <p>13 MS. GNIADEK: I --</p> <p>14 MR. KLOPMAN: Objection.</p> <p>15 [talking over each other]</p> <p>16 MS. GNIADEK: Can I answer, please?</p> <p>17 MR. KLOPMAN: That's not what the testimony way.</p> <p>18 MR. PRAGER: Wait. Slow down.</p> <p>19 MS. GNIADEK: May I answer his question?</p> <p>20 MR. PRAGER: No. Not yet. Mr. Klopman, did you have</p> <p>21 an objection to --</p> <p>22 MR. KLOPMAN: Yeah. Because he's been stating facts</p> <p>23 -- he's asking questions that's not based on what the</p> <p>24 evidence was. I don't believe that's what Ms. Agresti said.</p> <p>25 MR. PRAGER: Well, Mr. Chen, why don't you rephrase</p>
<p style="text-align: right;">238</p> <p>1 MS. GNIADEK: No. I don't go. But I do live in the</p> <p>2 neighborhood and my children play in the neighborhood.</p> <p>3 MR. CHEN: Okay. So do you know what this residence</p> <p>4 looks like from the outside during yoga class?</p> <p>5 MS. GNIADEK: Yes. I do, because I walk through the</p> <p>6 neighborhood after I drive my children -- or walk my children</p> <p>7 to school, depending on the weather. If it's colder -- I</p> <p>8 still walk, but they don't necessarily walk.</p> <p>9 MR. CHEN: How do you know that a class is in</p> <p>10 session when you are walking by the property?</p> <p>11 MS. GNIADEK: Because sometimes, I will have peaked</p> <p>12 in. I can see through the French doors, if there's a class.</p> <p>13 Sometimes, I just look. I'm nosy.</p> <p>14 MR. CHEN: So if there were photographs showing cars</p> <p>15 stacked back-to-back in the driveway of the Romano property,</p> <p>16 as well as cars parked in front of the Romano property on</p> <p>17 Falconbridge Road and -- as well as Falconbridge Terrace,</p> <p>18 you've never seen that?</p> <p>19 MS. GNIADEK: No. I have seen cars there. I've seen</p> <p>20 cars that have come over for my Bible -- random things.</p> <p>21 But I wouldn't know if it's a yoga class or other</p> <p>22 people. And I've never seen an abundance of cars that are</p> <p>23 blocking it, making it a nuisance to the neighborhood.</p> <p>24 My testimony was to say that I do not believe, as a</p> <p>25 citizen or a neighbor of the neighborhood, within a sixth of</p>	<p style="text-align: right;">240</p> <p>1 your question. And then, we'll see.</p> <p>2 MR. CHEN: I asked was the testimony of Ms. Agresti,</p> <p>3 who testified that she was almost hit by a car on the apron -</p> <p>4 - she waited while -- somebody was leaving class and the car</p> <p>5 was idling. And she waited. She waited --</p> <p>6 MR. PRAGER: Yes. We all heard the testimony.</p> <p>7 MS. GNIADEK: Can I answer your question?</p> <p>8 MR. PRAGER: So what's the question?</p> <p>9 MR. CHEN: That this witness claims that that woman</p> <p>10 was not telling the truth when she testified.</p> <p>11 MS. GNIADEK: But -- may I answer that question?</p> <p>12 MR. PRAGER: Is that so, that you believe that she</p> <p>13 was not telling the truth?</p> <p>14 MS. GNIADEK: I don't know. She didn't ask the woman</p> <p>15 if she was coming from yoga class, did she? No. She just</p> <p>16 assumed she did.</p> <p>17 Now, I turn around in that apron next to Natasha's</p> <p>18 house all the time. I'm not -- and I probably have been on my</p> <p>19 cell phone before. But I'm not -- and it could be during --</p> <p>20 7:00 o'clock on a Thursday night picking up my son.</p> <p>21 That doesn't mean just because I'm at the house next</p> <p>22 to her turning around in her driveway that I've come from</p> <p>23 yoga class; does it? Would she assume that it's me? It could</p> <p>24 have been me four years ago. We don't know.</p> <p>25 MR. CHEN: You live a third of a mile away.</p>

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<p style="text-align: right;">241</p> <p>1 MS. GNIADEK: But my son's best friend lives next 2 door. 3 MR. CHEN: Excuse me. Does your son live with his 4 best friend? 5 MS. GNIADEK: He goes over there every day, from 6 kindergarten through ninth grade. 7 MR. CHEN: And you go over there with -- 8 MS. GNIADEK: I pick him up. 9 MR. CHEN: Okay. 10 [talking over each other] 11 MS. GNIADEK: I don't have him walk home in the 12 evening. 13 MR. CHEN: Pardon. 14 MS. GNIADEK: Yeah. 15 MR. CHEN: Every day? 16 MS. GNIADEK: Not every day, but she got one -- this 17 was one incident. So maybe it was a yoga person and maybe it 18 wasn't, but we don't know definitively, the same way we don't 19 know it was me in the driveway. 20 She's just speculating, and that's fine. She can 21 speculate that. I'm speculating that I've never seen somebody 22 turn around in the driveway, or I don't feel my kids are in 23 danger walking. I don't feel in danger walking myself. 24 [talking over each other] 25 MR. PRAGER: When Mr. Chen asks you a question,</p>	<p style="text-align: right;">243</p> <p>1 MS. GNIADEK: And I've been at the Carriage House, 2 many years ago, on Sundays, like, 2012. 3 MR. CHEN: Now, just on [inaudible]. The only time 4 that you have been at the Romano residence for a yoga class 5 was back -- one time in 2014? 6 MS. GNIADEK: A class, correct. 7 MR. CHEN: Now, excuse me, ma'am. My question did 8 not say class. 9 [talking over each other] 10 MR. KLOPMAN: I think you did. 11 MR. CHEN: I apologize -- 12 MS. GNIADEK: I have gone for a private Thai 13 massage, one-on-one. Yes. I do Thai massage with her. She's a 14 certified Thai masseuse. Is that the correct word? I have 15 gone to Thai massage on Wednesdays. That's not a class. 16 Sometimes, I -- 17 [talking over each other] 18 MR. CHEN: I stand corrected and I apologize. 19 MS. GNIADEK: That's not a class. 20 MR. CHEN: Forget class. 21 MS. GNIADEK: Mm-hmm. 22 MR. CHEN: You have some sort of connection with a 23 yoga activity at this address? 24 MS. GNIADEK: Yeah. 25 MR. CHEN: Okay. What is that experience?</p>
<p style="text-align: right;">242</p> <p>1 please answer it and try to keep your testimony within the 2 bounds what he's asked you. 3 MS. GNIADEK: No. I'm not calling her -- I'm not 4 saying she's not telling the truth. I doubt that. 5 MR. CHEN: I understand what's going on, so I 6 appreciate the admonition and I respect it. Thank you very 7 much. But -- it's understood. 8 MS. GNIADEK: Okay. I don't know for sure if she's 9 telling the truth or not. 10 MR. CHEN: And -- 11 MS. GNIADEK: Yes. That's -- that was your question, 12 did I think she -- I don't know. 13 MR. CHEN: And you live a third of a mile away? 14 MS. GNIADEK: No. A sixth of a mile. 15 MR. CHEN: How much? 16 MS. GNIADEK: A sixth. It's a third to Jones Lane 17 Elementary School, and that's half the distance. 18 MR. CHEN: My understanding is you never have had 19 yoga lessons at this location. 20 MS. GNIADEK: I never had yoga class. 21 MR. CHEN: No. 22 MS. GNIADEK: I went to yoga class in 2014. 23 MR. CHEN: Okay. At this location? 24 MS. GNIADEK: Yes. 25 MR. CHEN: Okay.</p>	<p style="text-align: right;">244</p> <p>1 MS. GNIADEK: I go into her house and I -- she will 2 do a Thai massage with me. 3 MR. CHEN: She -- I -- 4 MS. GNIADEK: Thai massage. 5 MR. CHEN: Is that a yoga? 6 MS. GNIADEK: Is that considered -- I'm not -- I 7 don't know the answer to that. Is that yoga? It's not really 8 poses. I don't know. 9 MR. CHEN: When do you go? 10 MS. GNIADEK: 11:00 o'clock on Wednesdays, often. 11 Not every Wednesday, but a lot of Wednesdays. 12 MR. CHEN: And how many years? 13 MS. GNIADEK: Two. 14 MR. CHEN: Two years? 15 MS. GNIADEK: Two years, maybe. 16 MR. CHEN: So, as I understand your location where 17 you live, you are a person who is a customer. Is that the 18 right word? 19 MS. GNIADEK: Yeah. 20 MR. CHEN: Of Ms. Romano. And it's very convenient 21 for you to walk to her class from your home, because you're 22 only one-sixth of a mile -- 23 MS. GNIADEK: Yeah. But I don't. 24 MR. CHEN: You drive? 25 MS. GNIADEK: Yeah. Because then, afterwards, I go</p>

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<p style="text-align: right;">245</p> <p>1 to lunch. With my friends, because I'm a stay-at-home mom. Or</p> <p>2 I go to Jones Lane Elementary School, last year. I used to</p> <p>3 volunteer and go straight to yoga. I pay a dog walker on</p> <p>4 Wednesdays and I make the most use of my time.</p> <p>5 MR. CHEN: Other than the one or the -- and, again,</p> <p>6 I apologize. I'm not sure the terminology. Other than the one</p> <p>7 type of event that you participate at the Romano residence,</p> <p>8 is that the only type of yoga activity that you participate</p> <p>9 at?</p> <p>10 MS. GNIADEK: Yes. Yeah. Just one-on-one, Thai</p> <p>11 massage.</p> <p>12 MR. CHEN: I have no further questions.</p> <p>13 MR. PRAGER: Ms. -- this Thai massage that you have,</p> <p>14 you said it's one-on-one?</p> <p>15 MS. GNIADEK: Yes.</p> <p>16 MR. PRAGER: And how long does it last?</p> <p>17 MS. GNIADEK: It's an hour. It's not an hour -- it's</p> <p>18 an hour --</p> <p>19 MR. PRAGER: And how often in a week?</p> <p>20 MS. GNIADEK: Only when I -- Wednesdays at 11:00 are</p> <p>21 the only time I can do it. So not every Wednesday, but many</p> <p>22 Wednesdays.</p> <p>23 MR. PRAGER: All right. Do you have any idea of how</p> <p>24 many other people there are on Wednesdays or any other day of</p> <p>25 the week that have the --</p>	<p style="text-align: right;">247</p> <p>1 So I would be coming home. If there was a yoga class</p> <p>2 on Monday night, I would be coming home. On Tuesdays, my</p> <p>3 child has a marching band practice.</p> <p>4 MR. PRAGER: And is your testimony or would your</p> <p>5 testimony be that the parking situation at night is the same</p> <p>6 as in the day? And if not, how does it different?</p> <p>7 MS. GNIADEK: The only thing that would be different</p> <p>8 is because people that have adult children that live at home</p> <p>9 and drive sometimes have cars within that radius.</p> <p>10 Not necessarily on her property line, but just in</p> <p>11 general on that corner. It could be the opposite side of the</p> <p>12 corner, where Ms. Greenberg says she once parked. Because</p> <p>13 people have grown children that drive. I have a child who</p> <p>14 drives. He parks on the street.</p> <p>15 MR. PRAGER: All right. And you also testified, I</p> <p>16 believe, that with respect to the car that was backing up out</p> <p>17 of the neighbor's apron, that you were -- you said -- well,</p> <p>18 you didn't know whether that was --</p> <p>19 [talking over each other]</p> <p>20 MR. PRAGER: Wait. Let me finish. I know you like to</p> <p>21 jump in, but just relax for a moment. You -- if I recall</p> <p>22 correctly, you said a couple of times that you didn't know</p> <p>23 whether this was a car that came from the Romano yoga</p> <p>24 classes. Is that -- you speculated it might not be.</p> <p>25 MS. GNIADEK: That is correct. I would speculate</p>
<p style="text-align: right;">246</p> <p>1 MS. GNIADEK: There's nobody before me, because she</p> <p>2 teaches the class at the Carriage House, I believe, on</p> <p>3 Wednesdays, till 10:30. So she has to drive home. And then,</p> <p>4 after me, usually we clean up because there's nobody coming.</p> <p>5 Occasionally, there's been someone after me, where</p> <p>6 I'll ask her should I put away the bolsters and stuff I lay</p> <p>7 on, with the mat. And if -- I will say is somebody else</p> <p>8 coming? And if she says no, we clean up. And if she says yes,</p> <p>9 we leave it out.</p> <p>10 MR. PRAGER: All right. And you pay for this?</p> <p>11 MS. GNIADEK: Yes.</p> <p>12 MR. PRAGER: This is not a free service?</p> <p>13 MS. GNIADEK: No. Occasionally, she's given me a</p> <p>14 free class and I once got a gift certificate from neighbors</p> <p>15 to go there.</p> <p>16 MR. PRAGER: Okay. But --</p> <p>17 MS. GNIADEK: But I have paid generally, yes.</p> <p>18 MR. PRAGER: But generally, it's a paying --</p> <p>19 MS. GNIADEK: Mm-hmm.</p> <p>20 MR. PRAGER: And some of these classes are at night.</p> <p>21 Do you go through there at night?</p> <p>22 MS. GNIADEK: I drive through there at night because</p> <p>23 I have my kids[inaudible] carpool-- do I, as a mom, drive</p> <p>24 through the neighborhood at night? Yes. Every night. Tonight,</p> <p>25 I should be driving the soccer carpool, right now.</p>	<p style="text-align: right;">248</p> <p>1 that. I'm not sure how she would know that because my child</p> <p>2 has friends that live in all the abutting houses and I pick</p> <p>3 him up at the time yoga class ends. And how does she know it</p> <p>4 wasn't someone like me picking up our child from the Wider</p> <p>5 [ph] house or the Wagner house.</p> <p>6 MR. PRAGER: So that would be true of any car that's</p> <p>7 parked in that area?</p> <p>8 MS. GNIADEK: Correct.</p> <p>9 MR. PRAGER: No one outside of Ms. Romano and the</p> <p>10 owner of the car would know whether the car has parked for</p> <p>11 the Romano yoga workshop or is there for some other business?</p> <p>12 MS. GNIADEK: Correct.</p> <p>13 MR. PRAGER: Okay. So there is no indication --</p> <p>14 there's no assurance that cars coming to the Romano residence</p> <p>15 don't park a block away, two blocks away, down the street, up</p> <p>16 the street, across the street? There's no way of telling?</p> <p>17 MS. GNIADEK: That would be correct. But Natasha has</p> <p>18 made it clear to her customers that they are not supposed to.</p> <p>19 So one would think that they're going to this</p> <p>20 neighborhood yoga studio, they're going to follow her rules.</p> <p>21 I mean, I guess they could, in theory, park in front of homes</p> <p>22 that do not want them to park in front of them.</p> <p>23 MR. PRAGER: Right. Understand.</p> <p>24 MS. GNIADEK: But one would think they wouldn't</p> <p>25 because she --</p>

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<p>1 MR. PRAGER: One might.</p> <p>2 MS. GNIADK: Yes. I mean, I -- truthfully, you've</p> <p>3 heard the people that have testified that come to her</p> <p>4 classes. They want her classes to continue. I don't know why</p> <p>5 they would break the rule that Natasha is setting for them.</p> <p>6 MR. PRAGER: Okay. Mr. Klopman.</p> <p>7 MR. KLOPMAN: No. I have no further questions, Your</p> <p>8 Honor.</p> <p>9 MR. PRAGER: No further questions? All right. Thank</p> <p>10 you very much for your testimony. Mr. Klopman, you --</p> <p>11 MR. KLOPMAN: It's your pleasure, Your Honor.</p> <p>12 MR. PRAGER: -- could possibly squeeze in another</p> <p>13 witness, but --</p> <p>14 MR. KLOPMAN: It might go over.</p> <p>15 MR. PRAGER: It might go over. So what's your</p> <p>16 preference at this point?</p> <p>17 MR. KLOPMAN: Let me just look.</p> <p>18 MR. PRAGER: We'll go off the record for a moment.</p> <p>19 (Off the record.)</p> <p>20 MR. KLOPMAN: Yeah. I'll get Ms. Herrington in,</p> <p>21 Sarah Herrington.</p> <p>22 MR. CHEN: If the examiner, please, normal business</p> <p>23 hours are --</p> <p>24 [talking over each other]</p> <p>25 MR. PRAGER: I'm sorry.</p>	<p>1 conditional use at her residence or the yoga studio.</p> <p>2 MS. HERRINGTON: Yes.</p> <p>3 MR. KLOPMAN: And you've written a letter in</p> <p>4 support; I understand?</p> <p>5 MS. HERRINGTON: I have.</p> <p>6 MR. KLOPMAN: Okay. And can you please tell the</p> <p>7 hearing examiner and everyone here why you support the</p> <p>8 application.</p> <p>9 MS. HERRINGTON: So just like everyone else that's</p> <p>10 been up here, I've definitely gotten a lot of physical</p> <p>11 benefits from yoga.</p> <p>12 First, because I have this really fun condition</p> <p>13 where my kneecaps don't sit where they're supposed to. So</p> <p>14 they like to go out of place when I stand up from a chair or</p> <p>15 do anything. And then, in 2014, I got a really bad</p> <p>16 concussion.</p> <p>17 And in addition to my kneecaps going out when I sit</p> <p>18 up from a chair, I would fall over when I sit up from a</p> <p>19 chair. So I recommended -- then, recommended to start going</p> <p>20 yoga.</p> <p>21 And in December of 2016, I started doing commercial</p> <p>22 yoga, where it was a big studio. It was in a commercialized</p> <p>23 place. There was lots of students and it was awful and I</p> <p>24 hated it. And I didn't get any benefit.</p> <p>25 So in January of 2017, I started going to Warrior</p>
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<p>1 MR. CHEN: Normal business hours are 5:00 o'clock</p> <p>2 for --</p> <p>3 MR. PRAGER: I understand. We're going to stop at</p> <p>4 5:00. We're before 5:00.</p> <p>5 MR. CHEN: Fine. Thank you very much.</p> <p>6 MR. PRAGER: We're going to stop at 5:00 or 4:53. So</p> <p>7 if you can squeeze her in. She maybe have to be recalled.</p> <p>8 MR. KLOPMAN: We'll get her in. Let's go.</p> <p>9 MR. PRAGER: Let's at least start her. All right.</p> <p>10 Would you please state your name and spell your last name.</p> <p>11 MS. HERRINGTON: My name is Sarah Herrington. My</p> <p>12 last name is H-e-r-r-i-n-g-t-o-n.</p> <p>13 MR. PRAGER: And Ms. Herrington, where do you live?</p> <p>14 MS. HERRINGTON: I live at 15101 Turkey Foot Road,</p> <p>15 Darnestown, Maryland.</p> <p>16 MR. PRAGER: Turkey Foot, did you say?</p> <p>17 MS. HERRINGTON: Yes. Turkey Foot Road.</p> <p>18 MR. PRAGER: Okay. Would you raise your right hand,</p> <p>19 please. Do you swear to tell the truth, the whole truth, and</p> <p>20 nothing but the truth under penalty of perjury?</p> <p>21 MS. HERRINGTON: I do.</p> <p>22 MR. PRAGER: All right. Mr. Klopman.</p> <p>23 MR. KLOPMAN: All right. Ms. Herrington, I'll say</p> <p>24 the same thing that I said to all the other witnesses. You're</p> <p>25 here today to support Ms. Romano's application, her</p>	<p>1 One with Natasha. And within, like, two months, I was able to</p> <p>2 actually walk and stand up from a chair without my kneecap</p> <p>3 going behind my leg. And so, the physical benefits have been</p> <p>4 really, really great for me.</p> <p>5 But also, I am a college student. I'm a grad</p> <p>6 student. I work. I'm applying to med school. Like, the mental</p> <p>7 benefits, I think, yoga's kept me from pulling out into</p> <p>8 traffic without looking and crossing the street without</p> <p>9 looking, because the amount of stress I'm under is insane.</p> <p>10 So definitely mental and physical benefits from</p> <p>11 specifically Natasha, because I've tried commercial yoga and</p> <p>12 it's just -- it's not yoga. It's moving and breathing.</p> <p>13 So I know that there have been a lot of issues</p> <p>14 brought up, like parking and the congestion that it brings.</p> <p>15 So I attend the Monday evening 7:45 to 9:00 and the Saturday</p> <p>16 8:45 to 10:00 a.m. class.</p> <p>17 And I bring my mom, oftentimes my brother, my</p> <p>18 brother's girlfriend, and my brother's girlfriend's sister.</p> <p>19 So I carpool five -- between four and five people. And we</p> <p>20 park in the driveway.</p> <p>21 When we first started, we would actually park on</p> <p>22 Falconbridge Drive, but then, as this -- our parking</p> <p>23 evolution started, I've moved over to Falconbridge Terrace.</p> <p>24 And now, I park in the driveway, as Natasha requested.</p> <p>25 And she has the parking diagram posted on the inside</p>

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<p>253</p> <p>1 of the door at her studio so we can all see where we are 2 allowed and supposed to park. 3 And like everyone else has said, I really haven't 4 seen any cars parked along the street. No cars are in my way. 5 When I'm leaving, I hardly ever have to wait at the end of 6 her driveway for a car to go by before I can pull out. 7 So we really are just -- it's just a couple of 8 people. We really just want to go to her house and not feel 9 pain and get some stress relief. And then, leave and try and 10 put a little peace into the universe. That's all we really 11 want to do. 12 MR. KLOPMAN: So your interaction with the 13 neighborhood, you say you go Saturday nights and -- I mean, 14 pardon me, Monday evenings and Saturday mornings; correct? 15 MS. HERRINGTON: Yes. 16 MR. KLOPMAN: And when you go, how long -- you go 17 and you typically park in the driveway; correct? 18 MS. HERRINGTON: Yes. Always. 19 MR. KLOPMAN: And on occasion, you say you carpool 20 with your brother and -- 21 MS. HERRINGTON: Yes. Every -- unless one of us 22 doesn't go, me or my mom, we always are in the same car. We 23 never take two cars. 24 MR. KLOPMAN: Okay. And is there a sign-in sheet 25 now?</p>	<p>255</p> <p>1 MR. PRAGER: You're done. Mr. Chen, how long do you 2 think you -- 3 MR. CHEN: I'm going to try to do it in one 4 sentence. One question. 5 MR. PRAGER: Okay. Good. 6 MR. CHEN: Parking evolutions you've mentioned, is 7 that that period that you just identified for Mr. Klopman 8 since filing of the application that's before the examiner? 9 MS. HERRINGTON: Since the filing of the conditional 10 use application, I've only parked in the driveway. The 11 Falconbridge Drive to Terrace occurred before that. 12 MR. CHEN: And when was that filing? 13 MS. HERRINGTON: The -- in November. 14 MR. CHEN: Thank you. 15 MR. PRAGER: You're done? 16 MR. CHEN: I had two questions, and I apologize. 17 MR. PRAGER: I'm sorry? 18 MR. CHEN: I asked two questions instead of one. 19 MR. PRAGER: Okay. That's fine. I don't know the 20 neighborhood. Where is Turkey Foot Road? 21 MS. HERRINGTON: That is not technically in the 22 neighborhood. It is a main street, which connects to Jones 23 Lane. 24 MR. PRAGER: Okay. And how far away are you from the 25 house?</p>
<p>254</p> <p>1 MS. HERRINGTON: Yes. We always use the app and we 2 always sign in. And I have actually seen, when I've tried to 3 sign up for a class, that I can't because there's a wait 4 list. So I have seen that before. 5 MR. KLOPMAN: So there have been classes that you 6 wanted to go to, but because five had been reached, you 7 didn't go to? 8 MS. HERRINGTON: Yes. 9 MR. KLOPMAN: Okay. And when's the last time you 10 went to a class? 11 MS. HERRINGTON: Last Saturday. 12 MR. KLOPMAN: So since the move, which I say is when 13 she filed this conditional use application in November, your 14 testimony is based upon your experience since November of 15 2018, in terms of going to classes on Monday evenings and 16 Saturdays mornings? 17 MS. HERRINGTON: Yes. Actually, in fact, before she 18 made the change, because when that occurred, she also -- 19 that's when she moved her morning classes to the Carriage 20 House. I used to be able to go to more morning classes. But 21 since they're now at the Carriage House, I can't. 22 MR. PRAGER: All right. It is getting -- 23 MR. KLOPMAN: I'm finished. 24 MR. PRAGER: Pardon? 25 MR. KLOPMAN: I'm done.</p>	<p>256</p> <p>1 MS. HERRINGTON: It takes me about four minutes to 2 drive there. So I would say it's probably about a mile and a 3 half away. 4 MR. PRAGER: All right. And how often, generally -- 5 well, let's say in the last three months, how often per month 6 have you gone to the Warrior One studio? 7 MS. HERRINGTON: In the past month, I've probably 8 gone about six times. 9 MR. PRAGER: At various times or just during the 10 morning or just on Saturdays? 11 MS. HERRINGTON: It's every Saturday. And then, I 12 think I've done one or two Monday evenings in the last month. 13 MR. PRAGER: Evenings? 14 MS. HERRINGTON: Yes. 15 MR. PRAGER: All right. Well, you haven't been asked 16 much about traffic and parking. Is there a difference between 17 the Saturday parking and Monday night parking? Somebody has 18 testified that there is a difference because on -- in the 19 evenings, at least, people are home. 20 They brought their cars back from work. Presumably, 21 some of that will also be on Saturdays, that people are home, 22 because they're not at work. Have you noticed a difference at 23 all? 24 MS. HERRINGTON: Not really. I haven't noticed a 25 significant difference that [inaudible].</p>

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1 MR. PRAGER: Okay. I think those are the only things
2 I can ask at this late date or this late time on the
3 afternoon. So unless Mr. Klopman has a --
4 MR. KLOPMAN: No. I don't have any more.
5 MR. PRAGER: Anything more? Then, you're excused.
6 MS. HERRINGTON: Thank you.
7 MR. PRAGER: All right. Now, we're -- we'll stay on
8 the record. We'll talk about the future. I -- during -- while
9 we were off the record, I had proposed a couple of -- or at
10 least one day that was inconvenient to Counsel.
11 And I then proposed having this for next hearing on
12 -- oh, my. I said the 23rd, but that's actually out. How
13 about the 24th of April?
14 MR. CHEN: The 24th?
15 MR. PRAGER: Right.
16 MR. CHEN: I've got a client.
17 MR. PRAGER: You have a client?
18 MR. CHEN: Yeah.
19 MR. PRAGER: How about the 25th of April?
20 MR. CHEN: I've got a client that's -- I think it's
21 a business obligation from the 24th through the 26th.
22 MR. PRAGER: All right.
23 MR. CHEN: What happened to -- I'm sorry. You said
24 the 23rd was bad?
25 MR. PRAGER: Yes.

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1 MR. CHEN: Okay.
2 MR. PRAGER: How about the 26th?
3 MR. KLOPMAN: I'm clear.
4 MR. CHEN: It's -- as I said, I've got -- for the
5 26th.
6 MR. PRAGER: Through the 26th. How about the 29th or
7 30th. Mr. Klopman, I'll let you answer first.
8 MR. KLOPMAN: Well, my answer would be yes, sir. I'm
9 good both those days.
10 MR. PRAGER: Okay. And what about --
11 MR. CHEN: I'm good.
12 MR. PRAGER: All right. So why don't we then
13 schedule it for April the 30th.
14 MR. KLOPMAN: Mr. Examiner? One -- my client is
15 checking to make sure she's available.
16 MR. PRAGER: All right.
17 MR. KLOPMAN: One of my witnesses can't be here on
18 the 30th. Can we do it on the 29th?
19 MR. PRAGER: I suppose so, but if we do, let's make
20 it at 10:00 o'clock, rather than at 9:30.
21 MR. CHEN: What are we talking about?
22 MR. PRAGER: The 29th of April.
23 MR. CHEN: At 10:00?
24 MR. PRAGER: 10:00 a.m.
25 MR. CHEN: Can you give me one second?

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1 MR. PRAGER: Mm-hmm.
2 MR. CHEN: I just sent a text to my other expert
3 witness for that -- for the late April date.
4 MR. PRAGER: Speak up a little bit.
5 MR. CHEN: I just sent a text to my other expert on
6 that date and I'm waiting for a response. Or we can take a
7 break and I'll call him.
8 MR. PRAGER: All right. We'll wait for his response.
9 So let's talk about some of these other things. This website,
10 parking on -- posting on parking, Exhibit 66, that's Mr. --
11 MR. KLOPMAN: I have it right here. I have a copy
12 right here for you and I have a copy for Mr. Chen.
13 MR. PRAGER: Right. Okay.
14 MR. KLOPMAN: This is Exhibit 66. Unfortunately,
15 Your Honor, I do not have a copy of 68. And if you allow me,
16 I'll go downstairs and make a copy and bring it back.
17 MR. PRAGER: Okay.
18 MR. KLOPMAN: I'm also giving you, Your Honor, the
19 posting affidavit, because I don't want to forget to do that.
20 MR. PRAGER: All right. You didn't show this to Mr.
21 Chen, but it's just an affidavit of posting that -- well, why
22 don't you take a look at it?
23 MR. CHEN: I'm okay.
24 MR. PRAGER: You're fine. All right. So that will be
25 Exhibit Number 69. Now, Mr. Chen, would you -- did you --

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1 MR. CHEN: He has to make a copy of 67. How do you
2 mark the exhibits? Do you want to mark it --
3 MR. PRAGER: 67?
4 MR. KLOPMAN: Yes.
5 MR. PRAGER: Can I have that, please?
6 MR. KLOPMAN: Yes. And I'll make copies there, if
7 you want.
8 MR. PRAGER: Excuse me. No.
9 FEMALE 1: You need copies? The board of appeals is
10 closed.
11 MR. PRAGER: Okay. So you can't make it. Okay. All
12 right.
13 MR. KLOPMAN: I'm afraid the office downstairs might
14 be closed at 5:00 to make a copy for you. So can I take it
15 and bring it to Ms. Johnson tomorrow?
16 MR. PRAGER: Yes. All right. Which ones were you
17 going to bring to her?
18 MR. KLOPMAN: I mean, can I take 68 back so I can
19 take it? 68 is the letter from Ms. Agresti --
20 MR. PRAGER: I don't have that.
21 MR. KLOPMAN: You don't have that? I must have it.
22 I'll make it and I'll bring it to you tomorrow.
23 MR. PRAGER: All right. Have you found it? Mr. Chen,
24 why don't you sit back down.
25 MR. CHEN: I've not heard from my text. I have his



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<p>261</p> <p>1 cell phone number. Probably, that's the more efficient way to 2 get a hold of him. That's number one. 3 Number two, I've handed you my piece of paper, which 4 was going to Exhibit 67. I'd like to get a copy, and I'll 5 turn it in to your office. 6 MR. PRAGER: Sure. 7 MR. KLOPMAN: Can you send me a copy, please? 8 MR. CHEN: Yeah. I'm going to -- I'm literally 9 getting on a plane within a very short period of time. And my 10 office -- I won't be back until Friday. But I'll have it 11 copied and sent on Friday. 12 MR. PRAGER: All right. Well, we have until April 13 29th. And so, there's no great urgency. All right. Is there 14 anything else? We're just about past 5:00 o'clock. 15 MR. KLOPMAN: I don't think so, Your Honor. 16 MR. PRAGER: Anything else that needs to be said 17 urgently? 18 MR. KLOPMAN: No. 19 MR. CHEN: I don't have anything, Your Honor, other 20 than I'd like to clear this date with this witness. 21 MR. PRAGER: I'm sorry? 22 MR. CHEN: I don't have anything either, except I'd 23 like to clear this date with my witness. 24 MR. PRAGER: And you will inform the office of 25 zoning and administrative hearings. You'll inform Mr. Klopman</p>	<p>263</p> <p>1 MR. PRAGER: Before you start, let's just say how 2 many are you calling? 3 MR. KLOPMAN: I think about six. Sandra Thomas. Do 4 you want me to give you the names now? 5 MR. PRAGER: Yeah. Well, in a minute. I won't 6 prevent you from calling that many witnesses. From what I've 7 heard, the witnesses are going to testify that they like the 8 idea of yoga classes. That they benefit from them. 9 But many of them or some of those people don't live 10 in the immediate neighborhood. If -- right now, I'm 11 suggesting to you that you limit the number of witnesses. You 12 don't want to have a third day. It doesn't help your client 13 because it may just mean further delay. 14 MR. KLOPMAN: I agree with you. 15 MR. PRAGER: So if we have to have another third day 16 of hearing. So I really think while I'll accept your giving 17 me the six names now, I strongly advise you not to have six 18 more witnesses. 19 MR. KLOPMAN: I'm with you, Your Honor. Okay. The 20 witnesses would be Sandra Thomas, Melissa Brady -- she's more 21 of a rebuttal witness. I'm just giving you -- I'm just 22 telling you what I have in mind. Tara Kavadias. 23 MR. PRAGER: Spell that for the record. 24 MR. KLOPMAN: K-a-v-a-d-i-a-s. Stacy Revzan, R-e-v- 25 z-a-n. Dina Klopman, she obviously being my wife, who's a</p>
<p>262</p> <p>1 as to the availability, right? 2 MR. CHEN: Oh, yes. In fact, if you don't mind, I 3 can call him right now. 4 MR. PRAGER: Well, you can do that offline. 5 MR. KLOPMAN: I think you want us to leave, is what 6 -- 7 MR. PRAGER: No, no. I'm not in a hurry, but I -- we 8 have to end this hearing. So with that, I will formally close 9 this afternoon session. That is not the end of the hearing. 10 The hearing will resume at -- on April 29th, which is a 11 Monday, at 10:00 a.m. 12 At that point, we will have testimony, remaining 13 witnesses for Ms. Romano. And I had threatened before to ask 14 Mr. Klopman to list those witnesses. 15 MR. KLOPMAN: Oh. I'm going to do that right now? Is 16 that what you're asking? 17 MR. PRAGER: Mm-hmm. 18 MR. KLOPMAN: [inaudible] Give me a second, Your 19 Honor. It's going to take me a minute because I packed up. 20 MR. CHEN: Can I retrieve that exhibit while Mr. 21 Klopman -- 22 MR. PRAGER: Which one? 23 MR. CHEN: It's 67. 24 MR. PRAGER: Okay. 25 MR. KLOPMAN: All right, Your Honor.</p>	<p>264</p> <p>1 witness. She's on the witness list. 2 MR. PRAGER: All right. 3 MR. KLOPMAN: And possibly one other, Desirine [ph] 4 Sesay. I'm going to try to -- I'm going to go back and I'm 5 going to try to eliminate as many witnesses as I can and to - 6 - hearing what you're -- you've heard enough of certain 7 things, and try to make sure that you hear only things -- 8 these are people that are in the neighborhood, because they 9 live in the neighborhood, who attend the classes. 10 MR. PRAGER: Spell the name of the last person. 11 MR. KLOPMAN: S-e-s-a-y. Desirine. 12 MR. PRAGER: All right. Mr. Klopman, any last words 13 on the record that we need to have this afternoon? 14 MR. KLOPMAN: I would reserve any last words for the 15 next hearing, Your Honor. 16 MR. PRAGER: Mr. Chen, any last words? 17 MR. CHEN: I think we're going to have a hard time 18 finishing. Because you're going to recall Romano. He's got 19 six. 20 MR. KLOPMAN: I'm not going to have six. I'm going 21 to pare it down. 22 MR. CHEN: And I've got a standing -- ones that I've 23 already named. 24 MR. PRAGER: What was that? Say it. 25 MR. CHEN: I doubt that you're going to finish on</p>

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Conducted on March 4, 2019

67 (265 to 268)

<p style="text-align: right;">265</p> <p>1 two days, given what I've heard. You're going to recall the 2 applicant. Mr. Klopman has maybe six and I've got the ones 3 that I've had all along. 4 MR. PRAGER: Well, we'll see what happens. There's 5 no reason to speculate at this point and it doesn't do us any 6 good. We'll see if we can fit it in on that day. 7 All right. With that, I conclude this session of the 8 hearing and we will reconvene on April 29th at 10:00 a.m. 9 MR. KLOPMAN: Thank you, Your Honor. 10 MR. CHEN: Thank you. 11 (Off the record at 5:10 p.m.) 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">267</p> <p>1 CERTIFICATE OF TRANSCRIBER 2 I, Chris Naaden, a transcriber, hereby declare under 3 penalty of perjury that to the best of my ability from the 4 audio recordings and supporting information; and that I am 5 neither counsel for, related to, nor employed by any of the 6 parties to this case and have no interest, financial or 7 otherwise, in its outcome, the above 26 pages contain a 8 full, true and correct transcription of the tape-recording 9 that I received regarding the event listed on the caption on 10 page 1. 11 12 I further declare that I have no interest in the 13 event of the action. 14  15 16 March 12, 2019 17 Chris Naaden 18 19 (233279, Administrative Hearing, Montgomery County, 3-4-19) 20 21 22 23 24 25</p>
<p style="text-align: right;">266</p> <p>1 CERTIFICATE OF COURT REPORTER 2 I, Julie Ouedraogo, the officer 3 before whom the foregoing proceedings were taken, 4 do hereby certify that said proceedings were 5 electronically recorded by me; and that I am 6 neither counsel for, related to, nor employed by 7 any of the parties to this case and have no 8 interest, financial or otherwise, in its outcome. 9 10 11 12 13  14 _____ 15 Julie Ouedraogo, Court Reporter 16 17 18 19 20 21 22 23 24 25</p>	