IN THE MATTER OF:

GREY ROCK PROPERTIES
CASE NO.: 21-273-SPHX

Hearing Date: November 30, 2022

Pursuant to Notice, the above-entitled hearing was held before the Board of Appeals for Baltimore County by remote access.

PRESIDING:

JOSEPH L. EVANS, CHAIR
FRED M. LAUER, BOARD
BRYAN PENNINGTON, BOARD

PRESENT FOR THE PARTIES:

LAWRENCE E. SCHMIDT, ESQUIRE
Counsel for Petitioner

MICHAEL R. MCCANN, ESQUIRE
Counsel for Protestant

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1 **TABLE OF CONTENTS**

2 **Description** **Page**

3 Mr. Schmidt's opening statement..... 4
4 Direct exam of Anne Pomykala by Mr. Schmidt..... 17
5 Cross exam of Ms. Pomykala by Mr. McCann..... 60
6 Direct exam of Robert Skudrna by Mr. Schmidt..... 82
7 Cross exam of Mr. Skudrna by Mr. McCann..... 104
8 Mr. Schmidt offers Carl Richards as an expert..... 138
9 Direct exam of Carl Richards by Mr. Schmidt..... 141
10 Cross exam of Mr. Richards by Mr. McCann..... 168
11 Re-direct exam of Mr. Richards by Mr. Schmidt..... 190
12 Re-cross exam of Mr. Richards by Mr. McCann..... 191
13 Direct exam of Steven Weinstein by Mr. McCann..... 199
14 Cross exam of Mr. Weinstein by Mr. Schmidt..... 216
15 Direct exam of Doris Randall by Mr. McCann..... 222
16 Cross exam of Ms. Randall by Mr. Schmidt..... 226
17 Direct exam of Richard Soypher by Mr. McCann..... 228
18 Cross exam of Mr. Soypher by Mr. Schmidt..... 237
19 Direct exam of Lawrence Levin by Mr. McCann..... 241

20
21
22
23
24
25

[ON RECORD]

CHAIR: Good morning, everyone. Today's date is November 30th, 2022. This is a regularly scheduled session of the Baltimore County Board of Appeals. We're doing this by remote because of the ongoing issues with the COVID pandemic. Today's case is, involves Grey Rock Properties, LLC. It is case number 21-273-SPHX. And we have counsel present for the parties. If they could identify themselves?

MR. SCHMIDT: Certainly, Mr. Evans. Good morning, and members of the panel. I'm Lawrence E. Schmidt, with the law firm of Smith, Gildea & Schmidt with offices in Towson at 600 Washington Avenue. I'm representing the Petitioner in this case, which is Grey Rock Properties, Inc., Grey Rock Properties, LLC, excuse me.

CHAIR: Okay.

MR. MCCANN: Good morning, Mr. Pennington, Mr. Lauer and Mr. Evans. Michael McCann on behalf of the Protestants. The Protestants are Grey Rock Flats Condominium Association, Grey Rock Villas Condominium Association and the Grey Rock Maintenance Corporation, three separate entities.

CHAIR: Okay. That's Grey Rock Flats Condominium Association, Grey Rock Villa --

MR. MCCANN: Villas.

CHAIR: -- Villas Condominium Association and Grey Rock Maintenance --

MR. MCCANN: Corporation.

CHAIR: -- Corporation. Okay, okay.

MR. MCCANN: Thank you.

CHAIR: All right. Are there any preliminary matters that we need to address before we begin?

MR. SCHMIDT: I don't believe so from our standpoint.

MR. MCCANN: And none on our end as well, thank you.

CHAIR: Okay. Well, then, Mr. Schmidt, maybe you'd like to make an opening statement and sort of give us an idea of what the heck we're doing today.

MR. SCHMIDT: Sure, I'd be happy to, Mr. Evans. As I indicated, I represent Grey Rock Properties, LLC, which is the owner of the Grey Rock Mansion, which you may or may not be familiar with. It's somewhat of a landmark, I think, in Baltimore County. And I know I personally have been there for events, including my daughter's wedding reception a number of years ago. And you've, and the members of the panel may have been there as well.

This is a property that is actually comprised of two separate lots. One is over two acres and it's zoned BR, on which is located what is known as the Grey Rock Mansion, which is an old building originally associated with John Eager Howard, former governor, signer of the Declaration of Independence. And, and at one time, the Grey Rock Mansion, I think, was the center piece of a, of a large estate.

Presently, the Grey Rock Mansion is used as a catering facility where one can have events there and lease the premises for weddings, bar mitzvahs, things of that nature. Almost any kind of celebration. As I indicated, I've been there for a wedding receptions and fundraisers and things of that nature.

The property, as I indicated, both collectively, is comprised of two lots. One is the two plus acre property on which the mansion sits, and the second is an adjacent lot, which is about three quarters of an acre on which a parking lot is located.

This case springs from the fact that the owners of the property, and I, I have as a witness today, a principal of Grey Rock Properties, LLC, a lady seated immediately to my left, who I'll move the camera when she testifies, Anne Pomykala.

And Ms. Pomykala is the owner of the property, wanted to have a residential quarters, the building is multi-storied, but she wanted to have a small apartment on one of the upper floors of the mansion. Presently, the mansion is used on the lower floors and the grounds also for, as I indicated, events that are held there.

But for purposes of security and just to have an onsite presence, she wanted to have somebody living there. Thought it would be good if there was ever a fire or any kind

of emergency, break in, power failure, whatever it might be, to have someone live there.

I have another witness who is a prior owner, who would testify that indeed, in the past there have been residential quarters on the property. But, or, or in the building, at, at one time. And obviously the mansion, when it was built back in the 1800's was built as a residence.

Under the zoning regulations, under the BR zone, which is a commercial zone as the Board is aware, residential quarters or residential use within the building, even though it's ancillary to the, to the catering and the business facility, is only permitted by special exception.

So, we filed a request for a special exception for the living quarters. Again, I think you have to appreciate that the primary purpose of the property is for the commercial use. And the building itself, in the immediate area around the building is zoned BR, business roadside, which allows the catering facility. So, the special exception relates only to this residential apartment, which is proposed.

One thing that I would point out is if you've had the opportunity to read Administrative Law Judge Murphy's decision, she restricted that as a restriction in her decision to a single person and we would like to revisit that. Ms. Pomykala is going to testify that at the present time, she doesn't have anybody lined up and scheduled to live there appropriately.

She has in mind the person that she wants, but it would either be a single person or if it's a person who's married, then it would be a couple. So, having the restriction, allowing it to one individual is problematic for the owner and we would ask that the Board revisit that issue. And I'll allow her to testify.

Again, she doesn't have anybody picked out, selected at this point in time to live, to live there to keep an eye on it. But whoever would live there, it could be a single man, a single woman or a husband and wife or something of that nature. So, that's the special exception.

As the Board is aware, when one files a special exception with the Zoning Office, to go before the, a hearing before the Administrative Law Judge, a required piece of the packet is a site plan. And we filed that in this case and it's an exhibit below and will be an exhibit in this case.

And what that shows is, and I think kind of giving the nature on that, and I'll have testimony about this, but just to kind of give the Board a little explanation as to the other part of the relief that we're requesting, is that obviously when the Grey Rock Mansion was built a hundred and sixty years ago, a hundred and fifty years ago, the entire grounds, it was a large tract of land that was in that family at the time.

And over the years, parcels had been sold off. And

as I indicated, we only own now, only own, Grey Rock Properties, LLC, only owns these two parcels, which collectively are something around three acres. And what has happened is the clients who Mr. McCann represents, development has encroached and been created surrounding the mansion.

And I have some aerial photographs, which you, you will see. There are residences right, immediately around the mansion. If you've ever been there, you know as you turn off of Reisterstown Road and go up Grey Rock Road to get to the mansion itself, you pass a number of villas and townhouses where folks are living.

The testimony will be that in 1989 is when that residential development around Grey Rock Mansion started and when it was initially approved by Baltimore County. And it was built over a series of years, not uncommon in a lot of residential development, where there's phased development, phase one, phase two of the residential development.

In 2000, apparently to accommodate the residential development as it was surrounding the mansion, the Baltimore County Council rezoned a large portion of the properties surrounding the mansion. It appears to accommodate the residential development, which was, which was being contemplated and built out.

And as you look at the site plan now, you will see that the BR zoning is a rectangle or a square kind of shape

that immediately surrounds the mansion, so that part of the parking area for the mansion and, indeed, part of the lawn area of the mansion, which includes a tent, which is attached to the mansion building, is now in the DR zone.

So, when we filed the underlying Petition for Special Exception for the caretaker's quarters, the Zoning Office drew our attention to the fact that, as components to the residential use, I'm sorry, as components to the commercial use, the parking and the lawn area, the commercial catering use is not permitted in the DR-3.5 zone.

So, we filed a Petition for Special Hearing to permit, as a non-conforming, or grandfathered use, that the activities associated with the mansion business be continued to be permitted in these areas which are now zoned DR-3.5.

So, in the special hearing, which is, essentially, as you know, sort of a catchall relief, which you can file, we have asked for approval of these areas of the Grey Rock Properties, LLC property, which is now zoned DR-3.5 so that it can, those areas can, can, can continue to be used in an area associated with the business at the mansion.

The parking, people who would come there can park as guests, and also the lawn area, which is used as the tent. And even the outdoor area, which you'll hear testimony about, which is used in nice weather as part of the events that occur at the mansion can continue to be used in that area.

Sort of under a belts and suspenders approach as well, Section 409.12 of the zoning regulations, which the Board may be familiar with, allows what is called a modified parking plan. And that basically is a tool which is used where there not, may not be strict compliance with all the parking regulations, either the number of parking spaces required or the striping or surface of the lot and so on and so forth.

And because of the existing parking arrangement, which is again, surrounding the mansion and then on this three-quarters of an acre lot, we filed also a request for modified parking plan. And I think the Board, in its wisdom, can grant relief to allow the parking to continue either as a modified parking plan under 409.12, or it can, can find it non-conforming, or a combination of both, however the Board wants to address it.

But we just filed both of those requests to accomm, to give the Board, and the ALJ below, sort of an underlying flexibility as to approach the parking. So, I have a coup, several (stops talking).

CHAIR: You just muted yourself.

MR. SCHMIDT: Ms. Pomykala is going to lead off, who is the present owner of the property and I also have Ralph Skudrna, who is the prior owner of the property, who you will hear from. We have a site plan and I do have the registered landscape architect available who can introduce that plan, if

need be.

Also, Carl Richards is here. You know, may know Mr. Richards as a long-time supervisor in the County Zoning Department, to discuss the zoning issues. And he also has personal knowledge of this property going back as far as the 1980's when he used to go out there for certain events. So, that's sort of an outline, Mr. Evans and members of the panel, of, of what the case is about today. Hopefully that's been helpful.

CHAIR: That, that has. If, if there were strict compliance with the parking requirements, what, what would that entail?

MR. SCHMIDT: Well, it would entail a couple of things, Mr. Evans. The site plan shows that collectively there are a hundred four spaces provided for the mansion, either between the lot that's originally surrounding the mansion and, and the lot on the three-quarters of an acre, which is within five hundred feet of the building, which is a requirement that the parking has to be within that area.

There, there's a couple of issues there. Strictly, the parking requirement requires, if you look at Section 409 of the zoning regulations, requires for a catering facility twenty spaces for, per thousand square feet for a catering facility.

As you know, the parking regulations usually generate the number of parking required by a mathematical formula, where

it's a certain number of spaces required per thousand square feet. The Grey Rock Mansion is about ten thousand square feet in terms of building.

However, not all of the building is used for a catering facility. It's closer to about half of that. So, that would require more spaces, Mr. Evans, if you did the strict mathematical formula, would be one issue that would be addressed.

I think Ms. Pomykala and Mr. Skudrna would testify that they've always found that the parking that's provided there accommodates the events that are there. And they, they haven't had a parking issue. But, so there is an issue as it relates to the number of spaces.

The, the other issue that's a little bit of an interesting issue is when the residential community was being built, there was an easement agreement that was entered into in the 1980's between the then owners of the Grey Rock Mansion and the community.

If you look at the aerial, which I'll show you, you'll see that the community swimming pool is right next to the mansion, it's in proximity. And so, the owners of the mansion at that time, granted an easement to the community to allow them to park, to go to the swimming pool, if people wanted to drive from within the community and park there. So, there is that shared parking facility, shared use.

I think the owners of the mansion would say that generally, I think most of the events occur in the evening hours typically and so, there's not a conflict between the pool operation. But Mr. Evans, you just asked what kind of the parking issues, so that's, that's another complication or issue, I guess I would say.

That the fact that that particular area, which is used for parking, is subject to that easement, which allows folks who go to the community. The easement does indicate that the owners of the mansion can continue to use that parking area as well. But it's more of a shared arrangement.

CHAIR: Okay, great. Thanks.

MR. SCHMIDT: And I think also I will say that the lot around the mansion, there's a comment from the Planning Office, a ZAC comment. I think you'll see that, suggests that the lot be restriped. I think it's been a while since the lot has been restriped, is that right, Anne?

MS. POMYKALA: No, we had it restriped --

MR. SCHMIDT: Recently?

MS. POMYKALA: Recently.

MR. SCHMIDT: Okay. Well, that may be moot at this point, but when the Planning Office rep went out there to do their zoning advisory committee comment, they suggested that it be restriped. Ms. Pomykala just whispered in my ear that that's been done recently, so maybe that's no longer an issue.

But I point that out because, Chairman Evans, as you know, that's also a requirement that a parking lot should be striped.

CHAIR: Okay. Mr. McCann?

MR. SCHMIDT: Oh, I'm sorry. I wanted to add one other thing. I know it's the practice of the Board that exhibits that were introduced below, Mr. Evans, I think are part of the record of the case and are before you. There were seven exhibits that we introduced below and when I submitted, at Ms. Cannington's request, the exhibits for his hearing today, they are the same first seven exhibits.

I don't know whether I have to re-introduce those. But I can just tell you what they are. I know Mr. McCann should be familiar with them. But they're a site plan, which was exhibit number one, and then three aerial photographs, which we've taken from My Neighborhood, the County website, which are Exhibits 2-A, B and C.

A series of site photographs, which are 3-A through 3-X, which were introduced. Number four was a, a resume from the registered landscape article Ms. Tien (phonetic), who is, prepared the site plan. Number five were some, a couple of newspaper articles that were in The Sunpapers and the Jeffersonian just from back before 2000, talking about the functions at the, at the mansion.

Number six were a series of a copy of the development plans for when the residential development plan was being, when

the residential development was being processed and reviewed by Baltimore County. Those plans, they're from the County records. And then, number seven is a prior zoning case in connection with the development plan, as well as the plan from that case.

So, most of these are from County files or photographs and they were submitted below. I guess I can ask Mr. McCann if he has any objections to any of them or whether we can just admit them and refer to them. It might make life a little easier.

CHAIR: Okay. Well, we do need, for the, it's, it's vastly better, preferred for the record, to reintroduce them as Board exhibits --

MR. SCHMIDT: Okay.

CHAIR: -- at, at this stage.

MR. SCHMIDT: Okay.

CHAIR: But certainly if Mr. McCann is willing to stipulate to them then that, you know, that makes the logistics that much easier. But --

MR. MCCANN: I, I have no objection to the exhibits. The only thing I would ask is Mr. Schmidt indicated that one of the exhibits is, consists of some newspaper articles and generally I don't have a problem with those, they talk about the mansion. Just, and I guess it's helpful to the Board as background.

1 But having read those a while ago and having not
2 reread them, frankly, I can't recall if there's anything
3 specific in there that, for instance, the timeline of things
4 that Mr. Schmidt may be relying upon for substantive purposes
5 relating to his, the relief that's requested. So, I would
6 just, if I could, as we go along maybe I'll read them again.
7 But otherwise, no objections.
8 MR. SCHMIDT: Okay.
9 CHAIR: Okay.
10 MR. SCHMIDT: We'll certainly have one of the
11 witnesses talk about them. I, I wanted to have, Mr. Evans, I
12 want to have Ms. Pomykala and Mr. Skudrna go first, just
13 because I thought them explaining the property and the history
14 made it easier for everybody to understand before I even
15 introduce the site plan.
16 But if Mr. McCann, and I appreciate that, Mr. McCann,
17 if he's stipulated to those exhibits, certainly I have the
18 witness available if anybody has any questions about anything
19 in particular. And Mr. Richards will refer to them as well.
20 CHAIR: Okay.
21 MR. SCHMIDT: It's just kind of, I thought the
22 easiest order in terms of putting people on to testify would
23 make it, make it simple. Okay?
24 CHAIR: Okay.
25 MR. SCHMIDT: Okay. Then I would call --

1 CHAIR: Well, wait, hold it one second.
2 MR. SCHMIDT: Okay.
3 CHAIR: Mr. McCann, did you want to make an opening?
4 MR. MCCANN: I do not but thank you, Mr. Evans.
5 CHAIR: Okay, all right. Okay. Mr. Schmidt, the
6 floor is yours.
7 MR. SCHMIDT: Okay. I'm going to call as my first
8 witness, Anne Pomykala, and I'm going to move around this
9 screen a little bit so you can see her. Can you all see her
10 and me still?
11 CHAIR: Yes.
12 MR. SCHMIDT: Okay. Does she need to be sworn in,
13 Mr. Lauer? Or is that how you're going to do it?
14 CHAIR: Yes.
15 MR. LAUER: Yes, we'll do that. Would you raise your
16 right hand, please? Do you swear and affirm under the penalty
17 of perjury, that the testimony you're about to give is true and
18 correct to the best of your knowledge and belief?
19 MS. POMYKALA: I do so testify that it will be true
20 and correct.
21 MR. SCHMIDT: Okay.
22 MR. LAUER: Okay and please give us your name, spell
23 your last name and give us your address for the record.
24 MS. POMYKALA: I'm having trouble hearing him.
25 MR. SCHMIDT: He said, state your name and your

address.

MS. POMYKALA: I am Anne Pomykala. I reside at 1400 Greenspring Valley Road, Stevenson, Maryland 21153.

MR. SCHMIDT: Okay and can you all hear her okay?

CHAIR: Yes.

MR. SCHMIDT: Okay.

MR. LAUER: Yes.

MR. SCHMIDT: Okay.

CHAIR: But can you spell your last, your first and last name, please?

MS. POMYKALA: A-N-N-E, Anne, Pomykala is P as in Peter-O-M-Y-K-A-L-A.

MR. LAUER: Thank you, ma'am.

MR. SCHMIDT: Okay. Mr. Evans, might, I'm going to ask her about some of these photographs as she's describing the property. So, I don't know if you have to pass me the baton or how we do that.

CHAIR: Yeah. Okay, do you have it? Got it there?

MR. SCHMIDT: I think so, not sure. Tell you what. Carl, ask Alyssa to come in here. I just want to make sure I get these up okay. Give me just a minute if I get my tech person in here.

CHAIR: Sure.

MR. SCHMIDT: I'm always reluctant that I'm going to hit the wrong button and disconnect myself, so give me just a

minute. I'm sorry. Ah, okay, okay. Members of the panel, can you, can you all see? Have I done this successfully?

CHAIR: Yes.

MR. SCHMIDT: Okay. Ms. Pomykala, let me ask you a couple questions, if I can, just to get started. How are you affiliated or are you affiliated with Grey Rock Properties, LLC?

MS. POMYKALA: I'm affiliated with the two entities that own it. The property's LLC is the one that owns the property. The one that manages it is the mansion LLC.

MR. SCHMIDT: Okay.

MS. POMYKALA: As an LLC, we are members. I am the chief operating officer there. It's my responsibility to get everything done and done correctly.

MR. SCHMIDT: Okay and how long have you owned the, the properties, the Grey Rock Mansion properties?

MS. POMYKALA: Okay. The property, unfortunately, went up for foreclosure in December. And so, we signed our agreement in December 14th of '18 to buy the properties. But then it has to be approved by the Board as being a legal exchange and there's no hanky panky or anything. It takes the Courts awhile to do that, unfortunately, and we did not become the legal owners March 29th '19.

MR. SCHMIDT: Twenty nineteen?

MS. POMYKALA: Yeah.

MR. SCHMIDT: Okay. So, you've owned it for about three and a half years at this point?

MS. POMYKALA: Correct.

MR. SCHMIDT: Okay.

MS. POMYKALA: So, yes.

MR. SCHMIDT: Okay and I pull, I pulled up a copy of the site plan that's been introduced in this case. And is it fair to say, Ms. Pomykala, that the properties are actually two different lots?

MS. POMYKALA: Correct.

MR. SCHMIDT: And I'm using the cursor here, if you can describe the, the one lot that I'm kind of circling, what, what's on that and how that's laid out?

MS. POMYKALA: Okay. The dark line around it that's triangular in shape, is where the mansion is. On the right side of the mansion, you can see the house lines there, is the garden area. And to the left of that, the house, is the parking area.

MR. SCHMIDT: Okay and is there then a second lot associated with the mansion property?

MS. POMYKALA: The second lot is the parking lot.

MR. SCHMIDT: Okay and that's where the cursor is indicating now?

MS. POMYKALA: Correct, um hm.

MR. SCHMIDT: Okay. I've got some photographs of the

area that I've taken from, well, let me, let me use the ground photographs, that might be easier. I'm going to enlarge these a little bit so the Board can see them better. And maybe we can just go through these, Ms. Pomykala, briefly, just so you can kind of familiarize the Board with what the property looks like.

So, for the record, Mr. Evans and member of the panel, these would be Exhibits 3-A through 3-X. And again, they were submitted, Mr. McCann, these are the same ones that were submitted below, just so you know the same, same ones that we have. Okay.

MR. MCCANN: No objection. And Mr., Mr. Schmidt, can you send me, have someone send me the exhibits, please?

MR. SCHMIDT: Sure, sure.

MR. MCCANN: Thank you.

MR. SCHMIDT: Okay. So, I'm just going to go through these and, Anne, if you can just kind of describe what we're looking at. So, 3-A?

MS. POMYKALA: You're looking at the front part of the mansion. The circle in front of the mansion does not belong to us, it belongs to the community associations. There is a statute in it of, to John Eager Howard, who had so many responsibilities. He's one of our principal people in the revolution that brought us into a country.

MR. SCHMIDT: Okay and this was originally part of

1 the John Eager Howard family?
2 MS. POMYKALA: Yes, um hm.
3 MR. SCHMIDT: Okay and the white building is the
4 mansion building itself?
5 MS. POMYKALA: Correct.
6 MR. SCHMIDT: Okay. 3-B?
7 MS. POMYKALA: This is a side, this is from the
8 parking lot side of the mansion. You can see a fence to the
9 left, and that goes into the parking lot area.
10 MR. SCHMIDT: Okay.
11 MS. POMYKALA: The parking lot, the road area in
12 front of the steps to the mansion, according to surveys, does
13 belong to us.
14 MR. SCHMIDT: Okay.
15 MS. POMYKALA: And, I, I've walked it from the cement
16 post to the other cement post and it does, in my estimation, is
17 a true and complete rendering of how it should be.
18 MR. SCHMIDT: Okay and 3-C, just another photograph?
19 MS. POMYKALA: It's another photograph of the front
20 with the part of the roadway that belongs to us.
21 MR. SCHMIDT: Okay. Some of these are a little bit
22 duplicative. But that's, again, the mansion at the front.
23 MS. POMYKALA: The mansion, um hm.
24 MR. SCHMIDT: And the drive, the cir, part of the
25 circular driveway that's immediately in front?

MS. POMYKALA: Um hm.

MR. SCHMIDT: Okay and 3-E? Now, the lawn, this is the lawn area in the front, can you see that?

MS. POMYKALA: This is the, yeah, it's the lawn area in front.

MR. SCHMIDT: And that's owned by the community?

MS. POMYKALA: That is owned by the community.

MR. SCHMIDT: Okay and then the circular driveway, you can kind of see on the back side of the lawn area?

MS. POMYKALA: Just barely.

MR. SCHMIDT: Okay, all right. 3-F?

MS. POMYKALA: Is a, the walkway that goes into the garden side of the mansion showing the tent in sort of the center left. And then the big window of the terrace room of the mansion.

MR. SCHMIDT: Okay.

MS. POMYKALA: Which we restored.

MR. SCHMIDT: Okay. Now, the tent that you, you described, is that attached to the side of the building?

MS. POMYKALA: It's on poles right up, next to the building. So, I would say it was attached because we don't get water down through there.

MR. SCHMIDT: Okay, okay. And I'll ask you about how the property is used. 3-G?

MS. POMYKALA: This is, again, another picture of the

fountain in the garden area and the gazebo in the fountain area.

MR. SCHMIDT: Oops, sorry about that.

MS. POMYKALA: It also shows, there was no landscaping there, except what was left over from the Epstein family. And that little brown spot there, we made another little garden area, so that we're trying to recapture the spirit of Ethel Epstein, who had tremendous gardens. They were photographed by Audrey Boudein (phonetic), lots of photographs. I bought some at auction. But this was an important house at that time.

MR. SCHMIDT: Okay. What, what kind of, what year or what timeframe are you talking about with the Epsteins when they owned it?

MS. POMYKALA: That is the nineteen, they started owning it in the 1920's. A.K. Epstein died tragically in 19, the beginning of the 1930's.

MR. SCHMIDT: Okay.

MS. POMYKALA: But Ethel Epstein, the daughter of the original Epstein, Jacob Epstein, continued all his work and restored this place magnificently. It's a tremendous part of Jewish history.

MR. SCHMIDT: Okay, okay. I'm scrolling down to 3-H.

MS. POMYKALA: This is the tent here. That landscaping, I do not know who put it in. It was probably put

in by Ethel Epstein at some point, we do not know.

MR. SCHMIDT: Okay, okay. Now, 3-I.

MS. POMYKALA: This is on the parking lot side. It's as you turn from the driveway in front into the parking area.

MR. SCHMIDT: Okay. So, this would be, this is the--

MS. POMYKALA: That's the columns.

MR. SCHMIDT: In the front porch?

MS. POMYKALA: On the front porch.

MR. SCHMIDT: Okay. So, we're looking out from the mansion, is that --

MS. POMYKALA: We're looking out from the roadway that takes you into the parking lot.

MR. SCHMIDT: Okay.

MS. POMYKALA: The gate is right near where it says Petitioner's Exhibit 31. But it does not show the gate to the parking area.

MR. SCHMIDT: Okay, all right. And 3-J?

MS. POMYKALA: 3-J is the center field that is owned by the association, plus the memorial statute to John Eager Howard.

MR. SCHMIDT: Okay. Again, this looks to be kind of a duplicate of the lawn area out front, 3-K?

MS. POMYKALA: Correct.

MR. SCHMIDT: Just to try to get through these. Okay. Now, this 3-L, what are we looking at here?

MS. POMYKALA: This would have to be the parking, parking lot area that's near the pool.

MR. SCHMIDT: Okay and is the building, brown building, is that associated with the mansion or the pool or what is that?

MS. POMYKALA: That's --

MR. SCHMIDT: Can you see it? It's hard to see it now.

MS. POMYKALA: I am not sure. That could be one of the, the, the buildings that, that belong to the association that, either the (inaudible) or the condos.

MR. SCHMIDT: And it looks like, kind of looks like the pool back in this corner. I know it's hard to see.

MS. POMYKALA: I cannot, I cannot see it.

MR. SCHMIDT: Okay. I know it's hard to see. And this, this same building and parking area.

MS. POMYKALA: Right, that is, so obviously then that is associated with the pool.

MR. SCHMIDT: Okay. So, that's a building associated with the pool, and then on the left side?

MS. POMYKALA: Is the parking area.

MR. SCHMIDT: And that's the three-quarter acre piece that your referred to.

MS. POMYKALA: Correct.

CHAIR: Okay and that's M, just for the record.

MR. SCHMIDT: Yeah, that's M. This looks like, I'm sorry, we got some that are kind of duplicates, 3-N is, again, the pool building and that area?

MS. POMYKALA: Yeah.

MR. SCHMIDT: And again, the same thing.

MS. POMYKALA: Same thing.

MR. SCHMIDT: 3-O is looking from the parking area on that, at the pool building?

MS. POMYKALA: Yeah, um hm.

MR. SCHMIDT: Okay. Now, this is 3-P.

MS. POMYKALA: That is the parking lot next to the mansion.

MR. SCHMIDT: Next to the mansion, okay. And I think --

MS. POMYKALA: This again is the parking lot next to the mansion.

MR. SCHMIDT: Okay, that's 3-Q. 3-R? This is a little bit of the same thing, I think.

MS. POMYKALA: Same thing.

MR. SCHMIDT: Okay.

MS. POMYKALA: That, that's where it was. We did stripe that.

MR. SCHMIDT: Okay. That's the one that's been re-striped?

MS. POMYKALA: Yes.

MR. SCHMIDT: Okay and 3-S?

MS. POMYKALA: Same thing, that is the attached shed to the mansion that was done for the catering purposes. Okay and 3-T?

MS. POMYKALA: 3-T is again the back shed to the mansion. You can see the mansion rising up above. And permits would have had to be applied for that, that I'm sure Rob could testify to. He got permits to put that building in.

MR. SCHMIDT: Okay. Okay and is the, where the cursor is, is that, I know this, these are hard to --

MS. POMYKALA: That's the tent.

MR. SCHMIDT: That's the tent looking at that from the back side of the building?

MS. POMYKALA: Um hm, right.

MR. SCHMIDT: Okay. U is, I think, the same parking area?

MS. POMYKALA: Right, um hm.

MR. SCHMIDT: For some reason some of these are smaller. 3-V?

MS. POMYKALA: Right, all I can say is we put that white fence in so that when you were in the dining room area of the house you would see a beautiful garden and you wouldn't see the cars, etcetera.

MR. SCHMIDT: Okay and W, again, the mansion and the parking lot to the side?

MS. POMYKALA: Correct. That's where it's striped here.

MR. SCHMIDT: Okay and I think we just added this. It's been shown in some other photographs, but this, what is this monument to?

MS. POMYKALA: Like it's all of the things that he did in his life that are tremendous, for the nation and the state.

MR. SCHMIDT: Okay, okay.

MS. POMYKALA: And that was Sons of the American Revolution that put that up with the permission of the association.

VOICE: (inaudible).

MR. SCHMIDT: Okay, okay. So, those are the photographs. Just a couple other photographs that I think might be helpful for the Board, you might be able to explain, Ms. Pomykala, is some of these aerial photographs. And if you can, can you, can you describe --

MS. POMYKALA: Well, we, of course, see the house there in the white shades. The parking lot on the left, the garden area on the right. I think it's, if you move it down a little bit.

MR. SCHMIDT: Um hm.

MS. POMYKALA: No, I mean, the other way. I think it's important to note that back here in the parking lot, we

could, we do intend to make that more of a garden space and, you know, plant something along the division between the houses so they're not looking over into it. There's lots and lots of things we plan to do with this property to make it worthy of its history.

MR. SCHMIDT: Okay and just so we're clear, this is the parking lot next to the mansion where the cursor is?

MS. POMYKALA: That is correct, um hm.

MR. SCHMIDT: And then, this is the garden and tent area?

MS. POMYKALA: The garden and the tent area.

MR. SCHMIDT: All in here?

MS. POMYKALA: Um hm.

MR. SCHMIDT: And then, this would be the, the other parking lot, the, the one associated with the pool right here?

MS. POMYKALA: Correct, um hm.

MR. SCHMIDT: Okay and then just a little further out, just to give the Board some context, again, the subject property with the mansion where my cursor is, is that right?

MS. POMYKALA: Um hm, correct.

MR. SCHMIDT: And the parking area serving the pool and mansion is where my cursor is?

MS. POMYKALA: Right. I think it's also wise to note that things change over the years. This part right here, that street, was supposed to be the, at one point, the original

gateway to the property.

MR. SCHMIDT: Okay.

MS. POMYKALA: And then, so it's always mentioned in every legal document that comes out.

MR. SCHMIDT: That's Clifton Court, but that --

MS. POMYKALA: Right, Clifton Court, um hm.

MR. SCHMIDT: -- but that stops short of the property?

MS. POMYKALA: Short of about fifteen feet of the property. There's various owners in there. It's very hard to even track who owns what. The association owns a little part of it, we own a little part of it, the city owns a decent part of it. It's very hard to straighten that little mess out there.

MR. SCHMIDT: Okay. But you can't get from Clifton Court into, into the Grey Rock Mansion property by car?

MS. POMYKALA: By car, right.

MR. SCHMIDT: You can't drive in, right?

MS. POMYKALA: Right, because I don't own the property --

MR. SCHMIDT: Okay.

MS. POMYKALA: -- at the end of Clifton Court.

CHAIR: How, how do you get from the parking lot that's associated, the, the shared parking lot with the pool, how do you get from the pool to the mansion? (inaudible)?

MR. SCHMIDT: You can see, you can kind of see the road here. This is the circle driveway in front of the mansion. And then this road where my cursor, this leads out to Reisterstown Road, but you would drive in, you would go in the circle driveway and you would either park here or if there was a big overflow, you would park here.

CHAIR: And then how do you go, do you just walk from the --

MR. SCHMIDT: Just walk from here, it's, it's two hundred feet or so from the mansion to this parking lot down here.

CHAIR: Do, do you walk on the road or can you cut through the side there or --

MR. SCHMIDT: Is there, is there a sidewalk or something?

MS. POMYKALA: No, there is no sidewalk. You'd have to walk on the grass.

MR. SCHMIDT: Okay. Or you could walk on the driveway?

MS. POMYKALA: Correct.

CHAIR: Okay.

MS. POMYKALA: But I will say that we have rarely had to use that parking lot, even though we have a two thousand five hundred capacity. But we're, usually I would say the average number of people there are a hundred and thirty, maybe

a hundred and twenty-five, would be a regular party at the mansion.

CHAIR: Um hm.

MS. POMYKALA: Because you come to it in a car usually, we rarely use that parking lot. The only time, I think, that we used it was with the Cal Ripken event. And that was a blessing to the community because, just a little incident there, BG&E cut the power lines to everything in the community. And because it was Cal Ripken who got on the phone and said we need help --

CHAIR: Uh huh.

MS. POMYKALA: -- we immediately, within ten minutes, had two big, three big, was it three big generators --

VOICE: No, it was eight BG&E trucks.

MS. POMYKALA: -- eight big BG&E generator trucks, which immediately, within the hour restored power not only to us but to the community also. So, we can be a blessing at times.

CHAIR: Um hm, okay.

MR. SCHMIDT: When you know people in high places, I guess.

VOICE: (inaudible).

CHAIR: So, so, I, I don’t know who it is, just for the record here, there’s, there’s someone speaking off camera there in your office, Mr. Schmidt.

MR. SCHMIDT: Yeah, and that's, that's Brian Pomykala who is here, who is Mrs. Pomykala's son.

CHAIR: That's her husband?

MR. SCHMIDT: I'll try to keep him not to say anything.

CHAIR: Yeah, please. We can't have that actually.

MR. SCHMIDT: Yeah.

CHAIR: Okay?

MR. SCHMIDT: I, I apologize.

CHAIR: Okay.

MR. SCHMIDT: He was just correcting, saying it was more than three trucks.

CHAIR: I, no, I get that. But really we're not supposed to, that, that, that shouldn't be happening.

MR. SCHMIDT: Okay and Ms. Pomykala, this, I guess this other aerial is a little further. I'm just going to point, this road here would be what road? Can you tell, can you see that?

MS. POMYKALA: I guess that has to be Reisterstown Road.

MR. SCHMIDT: Right, and then one would enter onto --

MS. POMYKALA: Grey Rock Road.

MR. SCHMIDT: Okay and drive up --

MS. POMYKALA: Up the driveway. You could still see the fences that were put in during the Epstein ownership.

1 MR. SCHMIDT: Okay and then, the circle driveway that
2 you've testified about.
3 MS. POMYKALA: Right, um hm.
4 MR. SCHMIDT: Is here and the parking here?
5 MS. POMYKALA: Yes, correct.
6 MR. SCHMIDT: Okay. The swimming pool is kind of
7 obvious, you see the bright blue color. And then the mansion?
8 MS. POMYKALA: Correct.
9 MR. SCHMIDT: Okay. Can you see that okay? Okay.
10 All right. You can be seated, Ms. Pomykala. Let me, you've
11 talked about it a little bit. But talk, tell, tell us what
12 goes on in the years that you've, well, before you do that.
13 Tell, you talked a little bit, but tell us a little bit about
14 the history of the mansion, just a little bit of the background
15 that you're aware of.
16 MS. POMYKALA: From the beginning or --
17 MR. SCHMIDT: Well, just, just, not to dwell on it,
18 but just to give the Board a little bit of context of the
19 mansion.
20 MS. POMYKALA: It was originally owned, two hundred
21 plus acres or more, by John Eager Howard's grandfather, who was
22 a, he came over from England and was given a land grant here.
23 So, he established it. It was called the Forest. It was a
24 stopping place.
25 He, they had a lot of children that continued the

farming operation. And then one of the chil, grandchildren, was John Eager Howard, who established himself as a primary in the revolution helping George Washington and went on to do many things in this, Maryland with government and politics.

MR. SCHMIDT: Okay.

MS. POMYKALA: So, he, after the Howard family finished their tenancy, Dr. James Maynard was the one who bought the property and built the original house there. It was by an unknown architect. He had, went to some of his family and then was, passed on to, to, to the Epstein family.

Somebody for the Epstein family bought it and it was immediately given (inaudible) Katz and his wife, Ethel Epstein, who was one of the two daughters of Jacob Epstein. They've transformed, or I say, she was the primary. She, along with A.J. Katz transformed that mansion into replicas of 18th century buildings, so it was 1700 buildings.

They were from Europe, they were from the United States. But just to say the importance and how much she did it was the library, has a tremendous flower and bird carving. That is an exact, the original was taken from England, it was put in the Pennsylvania Museum of Art. It was an exact copy. We have, at our national register location, we show both the original and the one that was done at Grey Rock.

She transformed the whole house. The dining room was pushed out, the ballroom was eventually put in. She did

1 amazing things to the interiors. They, they are, you know,
2 people that had a lot of money did the originals and she had a
3 lot of money, and she copied those originals perfectly.
4 MR. SCHMIDT: And I think you said the Epsteins, this
5 was like in the 19th, first half of the 20th century.
6 MS. POMYKALA: Right, as Baltimore's bargain
7 basement, he was, Jacob Epstein was the Amazon of the day. He
8 sent the Jewish peddlers out west peddling their things. He
9 was the one that supplied them. He was a founder of the
10 Baltimore Museum of Art. The statue, The Thinker, was donated
11 by him. Without his money and his support, and Ethel's
12 support, who was on the board afterwards and continued his
13 interest, we would not have that Baltimore Museum of Art.
14 MR. SCHMIDT: Okay. Now, let me ask you. You
15 mentioned, Ms. Pomykala, about an application to the national
16 historic registry.
17 MS. POMYKALA: Um hm.
18 MR. SCHMIDT: Does the property, does it have any
19 kind of historic designation presently?
20 MS. POMYKALA: Yes, it is designated a property
21 interest by the, the Maryland Historical Trust.
22 MR. SCHMIDT: But it's not, it's not a county
23 landmark?
24 MS. POMYKALA: It has gone through lots, in order to
25 be nominated onto the national register, it has to be approved

by the State and the County. It's been approved by the, and all of the approvals has gone into the National Park Service, which has sat on it for months. So, one of my things is finding out whose desk it's sitting on now. Because I was originally told it would be a year ago that we would have confirmation of that.

MR. SCHMIDT: Okay and this is a, this is a designation that you're seeking from the National Registry?

MS. POMYKALA: From the National Registry.

MR. SCHMIDT: Okay and I, Mr., Mr. Evans, I think it, I'd just proffer to the Board, that it is not a county landmark. It's not, it has not gone through the County landmark process, as Ms. Pomykala has indicated. The County has approved it, approved on her application for the National Registry.

Let me ask you more so, Ms. Pomykala, about the more recent past. Say since, you've talked about the Epsteins and the prior. But since the, say the last fifty years, to the best of your knowledge, who has owned the property.

MS. POMYKALA: The property when the first developers went up for foreclosure, Bank of America then came in, took over and it was divided into two, two things. There was the Operating Engineers of Maryland took over the mansion portion. And then the, a new developer came in that took over the rest of the property. The Operating --

1 CHAIR: When, when was this? When are we talking
2 about now?
3 MS. POMYKALA: We're talking about the succession of
4 ownership.
5 MR. SCHMIDT: I think Mr. Evans asked when.
6 CHAIR: When?
7 MR. SCHMIDT: What, what's the timeframe you're
8 talking about? I know you have a, some notes in front of you
9 with the dates.
10 MS. POMYKALA: In 1989, they, the ownership passed
11 from the Trinitarians over to Grey Rock.
12 MR. SCHMIDT: Yeah, well, let me stop you there.
13 MS. POMYKALA: Okay.
14 MR. SCHMIDT: The Trinitarians are who? What is,
15 what are the Trinitarians?
16 MS. POMYKALA: It's an Order of Catholic Priests and
17 Brothers.
18 MR. SCHMIDT: Okay and, and the Trinitarians owned
19 this property --
20 MS. POMYKALA: For quite a while.
21 MR. SCHMIDT: When to when, essentially? Just give
22 us a general timeframe even.
23 MS. POMYKALA: They owned it in 1961 and we have lots
24 of notes, I, on it, because in our research, we had to trace
25 all this and we even have people, we have, we have notes and

1 our research that Valley Catering even did some things at the
2 Trinitarians when they owned it. In 1989, Grey Rock, Inc. --
3 CHAIR: So, did the Trinitarians buy it from the
4 Epsteins?
5 MS. POMYKALA: Yes, they did.
6 CHAIR: Okay.
7 MR. SCHMIDT: So, the Epsteins owned it in the first
8 half of the 20th century, essentially.
9 MS. POMYKALA: Um hm.
10 MR. SCHMIDT: And then the Trinitarians, this
11 religious order, purchased the property.
12 MS. POMYKALA: Right.
13 MR. SCHMIDT: And owned it for, from the sixties,
14 seventies --
15 MS. POMYKALA: Right.
16 MR. SCHMIDT: -- until the late eighties.
17 MS. POMYKALA: They sold half of the property to Grey
18 Rock, Inc., which went defunct. And then they saved the rest
19 of it to make a really nice retreat center, which they never
20 really got underway.
21 MR. SCHMIDT: Okay. Well, Mr. Skudrna, who was owner
22 back then, can, can talk about that.
23 MS. POMYKALA: Okay.
24 MR. SCHMIDT: You've owned it since 2018.
25 MS. POMYKALA: Twenty, no.

MR. SCHMIDT: Twenty nineteen, excuse me.

MS. POMYKALA: Twenty nineteen, March 29th.

MR. SCHMIDT: March of 2019, okay. If I can, Ms. Pomykala, let me ask you just what is the business that goes on at the mansion? Tell the Board what kind of functions you have there, how often. Just give them an overview of what the operation is like now.

MS. POMYKALA: We have events there. So, what does events include? There are weddings, there are elopements, there are anniversary parties, there are birthday parties. We have corporate events there. We have seminars there. We have, the new thing that's happening now is the celebration of life. So, that takes up weekday space. So, let's see, what else am I missing?

MR. SCHMIDT: And have you had these events ever since you acquired the property?

MS. POMYKALA: We had a tremendous amount in 2019.

MR. SCHMIDT: Okay.

MS. POMYKALA: And I have a list of all that were booked with me here. I can read it off if you would like to hear it. Then in 2018, we also had a lot of events because we bought the property from Bill Clowney. And Bill had continued his catering business and he still had events at the mansion, as well as outside the mansion, and he had booked quite a few events for 2019, which then came to us and --

MR. SCHMIDT: Okay and did the, have the events continued since you bought it up to the current day?

MS. POMYKALA: Up to the current day, surprisingly we did well during COVID. I would say quite a few events were postponed. But there were (inaudible) because we had the tent that could be opened during the evening times. So, that made it, rather than going to one of the hotels where you were all closed in, people preferred to have an open tent.

MR. SCHMIDT: Okay. So, even during the COVID times you've had events ongoing --

MS. POMYKALA: We've had events, um hm.

MR. SCHMIDT: -- at the mansion and the plan is to continue?

MS. POMYKALA: Correct.

MR. SCHMIDT: Is there any plan in addition to the building or construction to the building itself?

MS. POMYKALA: We certainly want to have a caretaker's quarter there. We feel that because of past experience, (inaudible) we had a fire late in the afternoon in one of the men's bathrooms from, and luckily Bill Clowney was there. And even though he was able to use a fire extinguisher to provide a lot, a lot of damage.

MR. SCHMIDT: Okay. But in terms of the building, the caretaker's quarter, do I understand that that will be in the existing building, you're not building a new building for

that?

MS. POMYKALA: No, this will be in part of the existing building and there's a backroom, you know, just, the wonderful things you find out about old buildings. They, there is a fireplace in there. It has a pot hanging on a chain and it has the original embers underneath the pot. And that was all enclosed (inaudible) put up and we've taken it down and so it gives a very nice room with a lot of windows. It would make a, it's a, an attraction for whoever I get to live in it (inaudible).

MR. SCHMIDT: Okay and so that will be the caretaker's quarters?

MS. POMYKALA: That will be the caretaker's quarters.

MR. SCHMIDT: How, let me ask you just so the Board understands, the, the layout of the building, how many stories, how many floors?

MS. POMYKALA: It's three stories, plus a basement.

MR. SCHMIDT: Okay and so the caretaker's quarters will be on what floor?

MS. POMYKALA: It will be on the second floor.

MR. SCHMIDT: Okay and that's not where the catering fac, catering, that's a separate quarters?

MS. POMYKALA: That's a separate quarter. It is above the commercial kitchen, it's a little further back, but it's in the same wing as the commercial kitchen.

MR. SCHMIDT: Okay and so, and so the catering occurs, the events, if I would go there for an event, what floor or floors would I be on?

MS. POMYKALA: You'd be on the first floor as a guest. If you're part of the wedding party, we have a groom's room that's been restored. We have a bride's room, which is in need of restoration.

MR. SCHMIDT: Okay and what floor are they on?

MS. POMYKALA: They are on the second floor.

MR. SCHMIDT: Okay and --

MS. POMYKALA: But they would be limited to the bridge and whoever she lets go up there.

MR. SCHMIDT: Okay and that's also the second floor is where the kitchen is?

MS. POMYKALA: The, no, the kitchen is on the first floor.

MR. SCHMIDT: Oh, it's on the first floor. And the caretaker's quarter would be on the second floor?

MS. POMYKALA: Second floor, um hm.

MR. SCHMIDT: How about the third floor, what's up there?

MS. POMYKALA: The third floor, well, we rent it to Bill Clowney. He had his, all, his catering office up there. And he also had a private office.

MR. SCHMIDT: Okay.

MS. POMYKALA: And he was allowed to use our restored conference room if he needed to use that.

MR. SCHMIDT: Okay. Are guests up, do guests ever go up on the third floor?

MS. POMYKALA: No.

MR. SCHMIDT: No.

MS. POMYKALA: Not, I mean, if we have a new resident, person renting that space, --

MR. SCHMIDT: A caretaker.

MS. POMYKALA: Not a caretaker. But a, a catering firm, they would be, they would be renting that. Then they may bring somebody --

MR. SCHMIDT: An off, as, as their office.

MS. POMYKALA: Yeah, um hm.

MR. SCHMIDT: Okay. But you don't have that now?

MS. POMYKALA: We do not have that now.

MR. SCHMIDT: Okay and the basement is, what's --

MS. POMYKALA: The basement is ugly, yeah, needs restoration.

MR. SCHMIDT: Storage?

MS. POMYKALA: It's storage and it has the furnace in it. It has the electrical panels in it. It enters into the catering shed where the trucks can drive in.

MR. SCHMIDT: Okay, okay. Now, you've described a little bit. Tell the Board, you, you've asked for approval of

1 the caretaker's quarters. Who do you anticipate living there,
2 what will be that arrangement, just if you could tell the
3 Board, what, what it is that you're thinking.
4 MS. POMYKALA: Well, I want, I want somebody like a
5 caretaker. I want somebody that can take care of minor
6 electrical problems, minor, make sure all the lightbulbs work,
7 for instance, or let us know what's not working on the
8 property. Solve any plumbing problems that might be there, a
9 leaky faucet, a, so he has to have some skills as a maintenance
10 person.
11 MR. SCHMIDT: Do you have any, do you have any --
12 MS. POMYKALA: I do not have anybody in mind yet
13 because I am stymied by the last ruling where he couldn't have
14 a second person there. If I'm looking at the age that I'm
15 looking at, it's forty, fifty, somebody that has experience,
16 somebody that I can trust and somebody that's probably going to
17 have a significant other or a wife.
18 And to exclude that from my list of prospective
19 people, I don't want a seventy-year-old person. This person
20 could also be of value to the event going on because if there
21 was a tremendous emergency. For instance, somebody had a heart
22 attack, we have one person on duty, and you have the catering
23 people there.
24 But it would be very helpful if that other person
25 knew something about first aid, got, you know, helped in the

transition of getting that person to the hospital. There's lots of things that that person could do. So, I want him to be physically able and mentally able to do things. I don't want somebody that's older and is just not really working that hard. So, I'm looking forward to a forty, fifty-year-old person that has a significant other.

MR. SCHMIDT: Okay. Okay and --

MS. POMYKALA: Or at least if he has a significant other, I can't just turn him down.

MR. SCHMIDT: Okay and, and again, they would live in the quarters you've described on the second floor?

MS. POMYKALA: Correct.

MR. SCHMIDT: Okay. So, you're not putting a building addition onto the building or anything like that?

MS. POMYKALA: (inaudible) an old apartment that had been lived in once upon a time.

MR. SCHMIDT: Okay. Let me ask you --

CHAIR: How many square feet is that, do you know, ma'am? The apartment?

MS. POMYKALA: Gee, I did not copy that down. I do have architectural plans for it. I can give them to Larry --

MR. SCHMIDT: Do, can, can you, approximation, do, do you know, let me ask you this. How many rooms is it?

MS. POMYKALA: It is the room in the back, plus the, wait a minute. I have a, I think I sent you over the

architectural drawings.

MR. SCHMIDT: Um hm.

MS. POMYKALA: I can tell you from that, if I had those up there.

MR. SCHMIDT: Well, I may not have them right in front of me. But how many, how many rooms? Is there a bedroom?

MS. POMYKALA: It's a bedroom, another small room that we're putting a kitchen in and then a bathroom area.

MR. SCHMIDT: Okay. Is there a living room area or something like that?

MS. POMYKALA: No, there's not. The backroom is big enough to use for both.

MR. SCHMIDT: Okay. So, in terms of, if we would even look at the footprint of the building, and of the second floor, how much of the second floor will be the apartment? Half of it, a third, three-quarters, would you say?

MS. POMYKALA: I would say a third if that, if that much, I would say a quarter. A quarter.

MR. SCHMIDT: Between a quarter and a third of the second floor.

MS. POMYKALA: Because the whole big front is a tremendous area that has the private, our private office, the groom's room and the meeting room.

MR. SCHMIDT: Okay.

MS. POMYKALA: And then you're going down, down the back part and you have the bride's room. And then, after the bride's room, and the bathroom for the bride's room, there is this apartment we've got (inaudible).

MR. SCHMIDT: Okay.

MS. POMYKALA: So, I would say it's even less than a quarter.

MR. SCHMIDT: Okay. So, maybe a quarter of the second floor would be the apartment. Could, let me ask you this, because it might help with a few of Mr. Evans' questions. I mean, could you have more than two people living there in terms of space?

MS. POMYKALA: It would be small, but it would be adequate.

MR. SCHMIDT: Okay, okay. For two people.

MS. POMYKALA: (inaudible) place to live.

MR. SCHMIDT: Okay, okay. Okay. Mr. Evans, I'll see, I might be able to find the drawing.

CHAIR: That's okay. I just wanted a general idea, I got it --

MR. SCHMIDT: I think that gives you a general idea, that it's about a quarter of the second floor.

CHAIR: Thank you.

MR. SCHMIDT: Let me ask you. Ms. Pomykala, you, you've talked about it a little bit, but I just want you,

again, to explain the way the parking works for guests of the mansion. Where do most people park and how often do you use the other lot.

MS. POMYKALA: I think we addressed that before that we use the swimming pool parking lot very little because our weddings are averaging between a hundred and twenty-five, a hundred and thirty, two to a car. Or more to a car than that. So, the parking to the left of the mansion has proved adequate in most cases. It's only at a big event like the Cal Ripken fundraiser that we had to use that parking lot.

MR. SCHMIDT: That you would use the pool, okay. Okay and you don't propose any change to the building? When I say the building, the exterior of the building. You're not enlarging Grey Rock Mansion or putting a wing on or anything like that?

MS. POMYKALA: There are no plans to do that.

MR. SCHMIDT: Okay.

MS. POMYKALA: (inaudible).

MR. SCHMIDT: And I know there were some questions at the ALJ's hearing. Are there any plans to turn this into a bread, bed and breakfast or turn it into anything other than what the operation has been?

MS. POMYKALA: Absolutely not. From a financial standpoint, it, it is not a good thing to do. We spend more in operating expenses at Gramercy on our bed and breakfast as

opposed to income coming in, it's the events that get the income.

MR. SCHMIDT: Okay and just so the Board is clear, you mentioned that you also have an ownership interest in the Gramercy Mansion as well.

MS. POMYKALA: We own the Gramercy Mansion, we own the 1840 Plaza, so we have two, Gramercy and 1840 are two of the top places for weddings in, in this area, Baltimore area.

MR. SCHMIDT: And obviously, then you own the Grey Rock Mansion as well.

MS. POMYKALA: Well, that's because I love restoration.

MR. SCHMIDT: Okay.

MS. POMYKALA: And I love seeing historic, history glorified, because this is really one of the best places to have, to savor our history, particularly the Jewish history.

MR. SCHMIDT: All right. Okay.

MS. POMYKALA: And I'm not Jewish, I'm Catholic, so.

MR. SCHMIDT: Okay. Okay, thank you, Ms. Pomykala. I don't have any questions. Mr. McCann may have some questions, or the Board members may have some questions.

MS. POMYKALA: You were also going to show some of the improvements that we've done.

MR. SCHMIDT: Oh, I, I apologize. I'm sorry, I missed something. Ms. Pomykala sent me these, these are new

photographs. I'm sorry, Mr. Evans, just a couple of things.

CHAIR: Sure.

MR. SCHMIDT: I know you sent me some photos, Mr. Pomykala, of the, some of the additional work that you've done, or are in the middle of doing to the mansion. Mr. McCann, these are new, these were not offered below. It's just a couple of photographs.

Let me scroll down to them if I can get to them. I apologize, I forgot to show them. There we go, there we are. So, Ms. Pomykala, again, if you could just describe. These are, for the record, these were submitted, Mr. Evans, as Petitioner's exhibit number eight. Ms. Pomykala, 8-A is?

MS. POMYKALA: This right here is, again, the front of the mansion. It shows the tulips that are in front of the hedges, it shows the hedges trimmed. We are trying our best to make this a garden place just like our original Gramercy is.

MR. SCHMIDT: Okay and 8-B?

MS. POMYKALA: 8-B, this was the original groom's room, which we restored completely. It was all paneled, a terrible mural in here, a broken-down sofa. And further on is, you'll see the picture of the restoration. It looks much more, in the Epstein --

MR. SCHMIDT: Okay. But this, this, this particular room is the groom's room, where the groomsmen --

MS. POMYKALA: Yes, what has now been restored.

MR. SCHMIDT: And this is on the second floor?

MS. POMYKALA: This is on the second floor.

MR. SCHMIDT: Okay.

MS. POMYKALA: This is a picture of some of the gardens we put in. We have flowers going everywhere. That's the gazebo in the back.

MR. SCHMIDT: How, how long has that, that gazebo been there longer than you've owned it?

MS. POMYKALA: It was there when we owned it, when we bought it.

MR. SCHMIDT: Okay and it had to be restored too. We had all sorts of leaks in the top of it, so the gazebo has been restored.

MR. SCHMIDT: Okay and guests would go out here if it's nice weather for an event?

MS. POMYKALA: It would be a place where they would get married.

MR. SCHMIDT: Okay, okay.

MS. POMYKALA: So, you'd have the gardens in the, you know, lots of very pretty gardens.

MR. SCHMIDT: Okay and 8-C?

MS. POMYKALA: Now, we left, this is an expensive job because the exterior was falling apart. So, all of the facie at the second-floor level, at the third-floor roof level on the third floor, is rotting. You can see there to the left of the

thing where there's a gutter coming down, that is, (inaudible) there was no way, you know, putting stuff in or thickening it or anything.

So, I couldn't follow the national standards. So, we did replace it with wood. This, we rented this crane for two weeks. I had four people down there working on scraping the exterior, because the stucco was a mess. If you go back up again, see the top part there? All of that is deteriorating, the facie, so that all had to be scraped, painted and where it was completely rotten, we had to replace wood.

MR. SCHMIDT: Okay. So, these, --

MS. POMYKALA: So, I just want to show you that we've invested the money in it to make this place back to the original. And this happened just recently because I had to get, I've had enough weddings to give us the ability to do this. Also, I had Gramercy's income too.

MR. SCHMIDT: Okay.

MS. POMYKALA: So, because it was my guys who were doing this. Here we are --

MR. SCHMIDT: This is 8-D.

MS. POMYKALA: -- painting with a long brush. That's after the crane had been in here and we had taken care of the stucco.

MR. SCHMIDT: And this red door would be the?

MS. POMYKALA: The front entrance.

MR. SCHMIDT: Front door to the mansion, okay. And?

MS. POMYKALA: Here's our crane, again, just showing you, pull it down a little bit. But you can see up here at the very top where we, we have to get up there to improve that. Whether it's the rotten wood or whether it's the scraping, whether it's the painting that will prevent further damage to it.

It's, it's one of those necessities to keep the mansion intact. Just like replacing the furnace is ready to blow up. Talked to the firemen and they said, I don't know why we let it go on so long.

MR. SCHMIDT: Okay.

MS. POMYKALA: So, I have a new furnace down there too. And that's not always covered by tax credits because we had to start right at the beginning to prevent damage.

MR. SCHMIDT: Okay. 8-G?

MS. POMYKALA: This is the terrace room on the garden side. We've started taking down all the shutters. They're going into our shop at Gramercy to be repaired this winter. Also, they had to come down so that we could paint behind them, and it was easier to do it now, to take them down, then to leave them up.

This whole space right here, this is a before picture. You can see the, the second floor and the top floor needing a lot of work up there. That has been done. We redid

the window there and, and the roof so this had to be taken, all, all of these columns in the window were rotten. So, we replaced them with mahogany and did a top-notch job according to national standards on this window.

MR. SCHMIDT: Okay.

MS. POMYKALA: This is the groom's room --

MR. SCHMIDT: This is the after, the before and after?

MS. POMYKALA: -- (inaudible) all of the paneling is removed, after all of the nasty furniture is removed, after the walls have then again been redone and then painted, nice chandelier in the room, window repaired over here that was, well, it wasn't in that bad of shape but it was, it all needed to be painted.

MR. SCHMIDT: And --

MS. POMYKALA: And then the floor has all been redone too.

MR. SCHMIDT: Okay.

MS. POMYKALA: And this is what we're, we did every roof in the whole property. This will show you some of the damage in the roof. So, this was not an easy job. You can see the gutters hanging off here. This is on a, it's a sunporch addition and deck going out there.

MR. SCHMIDT: That looks like the corner of the gazebo out there on the lefthand side, just to kind of give you

a sense of where this is, is that right? Am I --

MS. POMYKALA: Yes, that would be approximately --

MR. SCHMIDT: Okay.

MS. POMYKALA: -- where it would be.

MR. SCHMIDT: And?

MS. POMYKALA: And this is just a, well, it was put in the wrong way but if you can peg it up, and you can see, this is in the porch. I mean, that's stuff we had to deal with. That's a hole, it's not even just rotting wood.

MR. SCHMIDT: Okay and finally --

MS. POMYKALA: And here's the gutter damage. Every gutter had damage in the facie.

MR. SCHMIDT: Okay.

MS. POMYKALA: And this is the whole, this is the third-floor window. That whole windowsill and the space below it was completely rotted.

MR. SCHMIDT: Okay.

MS. POMYKALA: And he's measuring there to put a new wood in there for the windowsill.

MR. SCHMIDT: And another crane?

MS. POMYKALA: Right, another crane picture was, you know, more or less done on that particular area.

MR. SCHMIDT: Okay. Those would be exhibits, collectively, Mr. Evans, 8-A through 8-M, as the witness has described. And I would offer them. They were not offered

below.

MR. MCCANN: No objection.

MR. SCHMIDT: Okay and while you're doing that, Ms.--

CHAIR: (inaudible).

MR. SCHMIDT: -- and, and I know with these remote hearings, Mr. McCann isn't in the same room. So, I attached, as Exhibit 9, this is just a chart that Ms. Pomykala was looking at before, Mr. Evans, when she was referring to some of the ownership history. And it's just kind of a general over, kind of a flow chart, of some of the things that she was talking about. And when I said before she was looking at this instead of having it all committed to memory, this just kind of gives you a history of the property going back to 1857.

CHAIR: Okay.

MR. SCHMIDT: As it indicates, the mansion was built between '57 and '61.

CHAIR: Okay, great.

MR. SCHMIDT: Okay and I just thought, to be fair to Mr. McCann, since she was referring to that and we're not all in the same room, he would see what she was looking at.

CHAIR: That's fine.

MR. SCHMIDT: Okay. But it's just a, so I would offer that as well as exhibit number nine.

MR. MCCANN: Yeah, I don't think it comes in because she was referring to it. I think there's a question here, Mr.

1 Evans, of whether or not this, in fact, should, should come in
2 at all as a reflection of the, the ownership history of this
3 property. I don't think, she's obviously a bright woman, I
4 don't think she's qualified to, to put something like this
5 together. But I'd have to look at it. You know, generally I
6 don't have a problem with it. I'm sure it's, I don't know if
7 it's accurate. So, I, I would need to look at it, Mr. Evans,
8 and I can do that --
9 CHAIR: Well, well, your, your point is well taken.
10 It's certainly correct in terms of the rules of evidence. But
11 let, let's reserve on it because actually it's, it's useful
12 background. I mean, --
13 MR. MCCANN: Yeah, I --
14 CHAIR: -- it doesn't stand for, I, I don't think it
15 matters in terms of the zoning issues. I, I don't think. I
16 don't think it's centrally relevant to that. But it is useful
17 background just to provide the historical context.
18 MR. SCHMIDT: Yeah, Mr. Evans (inaudible).
19 (EVERYONE SPEAKING AT THE SAME TIME)
20 MR. SCHMIDT: -- again, it doesn't relate to the
21 special exception, which is the caretaker's quarters. As Ms.
22 Pomykala has indicated, I think she put this together generally
23 as she was doing the research for the National Registry
24 nomination, which she's discussed. She is not a lawyer. I'm
25 not offering her as an expert witness. It is, as you say,

1 strictly for background purposes. I thought it might be
2 helpful to (inaudible) some of her testimony.
3 CHAIR: Right. So, Mr. McCann, you take a look at it
4 and we'll, we'll, we'll, we'll, we'll admit it for i.d. only at
5 this point. You look at it. If you want to object to it, then
6 we'll deal with the objection.
7 MR. MCCANN: Great and I don't want to belabor this,
8 I just want to make sure that my point is clear. Listen, I
9 have no problem with the (inaudible) --
10 CHAIR: No problem, no problem. (inaudible).
11 MR. MCCANN: I think what you'll find, Mr. Evans, as
12 we move along, that the timeline, including the timeline of
13 ownership is very important in this case. It may not be
14 important to the special exception, but it's important. So,
15 that's why, that's why --
16 CHAIR: Okay, okay.
17 MR. SCHMIDT: Okay. I don't have any further
18 questions of Ms. Pomykala.
19 CHAIR: Okay.
20 MR. SCHMIDT: So, Mr. McCann, or Board, if they have
21 any questions.
22 CHAIR: Mr. McCann?
23 MR. MCCANN: Great, thank you. Good morning, ma'am.
24 Can you hear me?
25 MS. POMYKALA: Good morning, yes.

1 MR. MCCANN: Okay. I'll try to speak up.
2 MR. SCHMIDT: Keep your voice up, Anne, if you can.
3 MR. MCCANN: Really, I don't have many questions.
4 But I did want to talk about first, and perhaps foremost, the
5 caretaker that you propose hiring. As I understand it, from
6 your testimony this morning and from your testimony last time,
7 that this caretaker will only take care of sort of the smaller
8 maintenance items, the odds and ends, things that a handyman
9 might take care of, is, is that fair?
10 MS. POMYKALA: That, that is fair, but he's there at
11 night as a security person in case there are, he needs to call
12 for more help, fire, water damage, entry by people that want to
13 steal things from the mansion. He's there as a security person
14 at night.
15 MR. MCCANN: Okay. But back to my point. The, the,
16 the major work, some of which you've actually shown us this
17 morning--
18 MS. POMYKALA: I have a --
19 MR. MCCANN: Hold on.
20 MR. SCHMIDT: (inaudible) ask a question.
21 MS. POMYKALA: Okay.
22 MR. MCCANN: Other than small handyman type jobs, the
23 more, more substantial maintenance and repair work will still
24 need to be done by outside contractors that come in, correct?
25 MS. POMYKALA: Almost. But, but I have a tremendous

staff. I have people that are, know every phase of building. I've put an addition on Gramercy as a general contractor, downtown at the 1840s. I rehabbed all of the City Light properties as general contractor.

I did hire the people I needed to hire. I have lots of good subcontractors. In fact, we're all reaching an age now, and turning our businesses over to our children and we sympathize and we, you know, talk about that. But it's, that's beside the point.

The thing is, I, I do know what I'm doing out there. And my staff knows. So, we've used Gramercy labor over there to do a lot of repairs, certainly any aspects of carpentry we can do. They are tremendous painters and restorers. They know the national standards.

They, so a lot of this work has also been funded by Gramercy, because I send my guys over, we keep tabulation of how much Grey Rock owes Gramercy for labor. And my daughter (inaudible) and says Mom, won't you pay your bills? So, I'm still, I want to get this place in shape.

It's, it's a disaster what has happened to it over the years. And it's such an important building. It's one of the most important buildings in Maryland, if not the nation. Because it shows the Jewish history that is tremendous there.

MR. MCCANN: Okay. So, just as an example, you mentioned the landscaping, we saw some beautiful landscaping on

1 the property. That's something that's going to continue to be
2 need, to be undertaken, for the most part, by folks that come
3 in, but --
4 MS. POMYKALA: No, the trees get cut down by people
5 that are qualified to do it. I do not let my people do it.
6 But as far as landscaping goes, I am the one that, you know,
7 says this gets done, this gets done, that gets done. And I'll
8 plant these bulbs here. I do have some very good people
9 working for me that I have started to let them go out on their
10 own. But I'm in the stage of training them to take over the
11 landscaping when I'm no longer able to do it.
12 MR. MCCANN: All right.
13 MS. POMYKALA: But we will continue making new
14 gardens. There's that hole spot in the back there that has
15 nothing in it but trash.
16 MR. MCCANN: Okay. Well, I'm just trying to
17 distinguish, not the, not the nature of the work, but, but
18 rather who's doing it and who will do it. I think as I've
19 heard you, you have, it sounds like you have some wonderful
20 staff currently that will take care of some of the things that
21 you described, including the landscaping.
22 And you, and you, it sounds like you intend to have
23 your staff, as opposed to the handyman, the caretaker, to
24 continue to do that kind of stuff, correct?
25 MS. POMYKALA: Right.

MR. MCCANN: Okay.

MS. POMYKALA: Um hm. But the caretaker also, after a wedding, there's, people leave trash, unfortunately, we call them people flowers, but they're not flowers and that person would be going around there collecting in the parking lot some beer cans that may have been thrown out, you know, just, we want to keep that property immaculate and clean. And that, so that would benefit the, the people in the community too by having trash in our areas picked up.

MR. MCCANN: Right. But the, the type of thing you just described, that is, the clean up after events, you, you already have staff. I mean, on site for that type of thing already, correct, during events? That isn't --

MS. POMYKALA: Well, I have staff that are there, but they're not going to go out at 11:30 at night and pick up the trash in the parking lot. So, that's left for another day when we have to send people in. It'd be much less expensive to have an onsite person doing that.

MR. MCCANN: Okay. You mentioned security. Am I correct, and I think you, and/or your son, acknowledged last time that you, during the time of your ownership, that is, from roughly, I think you said March 2019 to the present, present, you have had no incidents of vandalism or breaking in or anything like that, is that fair?

MS. POMYKALA: No, we have not. We have --

1 MR. MCCANN: You have an alarm, you have an alarm
2 system, I take it, ma'am?
3 MR. SCHMIDT: Do you have an alarm system?
4 MS. POMYKALA: We have an alarm system.
5 MR. MCCANN: So, fire, security, that's all covered
6 by the alarm system?
7 MS. POMYKALA: That is covered by the alarm system,
8 but I could break in, so somebody else could figure it out too.
9 MR. MCCANN: Okay. Well, --
10 MS. POMYKALA: It's a leftover alarm system and I'm
11 not quite sure, and if somebody makes a mistake in how they put
12 it on at night, you know, there's human error there too.
13 MR. MCCANN: Okay and then I think I asked you and
14 your son about this last time, you agree with me that a spouse
15 of the caretaker, he or she, is not necessary to the caretaker
16 job. It's just something that you would like to --
17 MS. POMYKALA: It gives me, I'm sorry, go ahead.
18 MR. SCHMIDT: Let him finish.
19 MR. MCCANN: Yeah, let me, let me start over. Just
20 if you can, let me finish, that way I keep my train of thought
21 as well. As I understand it, you need one caretaker, but what
22 you're asking for, it is, well, put it this way, it's not
23 necessary to the job of caretaking to have a spouse or
24 significant other living there with the caretaker.
25 As I understand it, you just want that, that, the

ability when you're looking for somebody, trying to find somebody who happens to have a spouse or significant other, is that fair?

MS. POMYKALA: That's fair. It makes it an easier choice for me. I will get a better person if they're allowed to have a spouse or significant other.

MR. MCCANN: Okay. I understand. How, how many square foot, square feet is the mansion building, ma'am? Do you know?

MS. POMYKALA: It's close to ten thousand. I've had different estimates, depending on whether you're including the basement or whatnot. So, I, myself, even get confused about it. So, but it's close to ten thousand, more or less. And I think that's without the basement.

MR. MCCANN: Does that include the tent structure?

MS. POMYKALA: No, the tent structure is not part of the house.

MR. MCCANN: Okay. You talked about the lawn area, and we saw some photographs and I think they were Exhibits 3 and 8. The lawn area in front of the mansion building. Thank you, Larry, I was going to pull that up as well. In fact, I think I may pull up my own copy so I can --

MR. SCHMIDT: Oh, okay.

MR. MCCANN: If I share but thank you.

CHAIR: You, you want the token?

1 MR. MCCANN: I think I have it already, Mr. Evans.
2 CHAIR: No, I don't think so.
3 MR. MCCANN: Oh, no? That's, okay. Great, thank
4 you.
5 CHAIR: Um hm.
6 MR. MCCANN: Okay. Ma'am, do you see this, what I
7 have on my screen?
8 MR. SCHMIDT: Can you see that okay, Anne?
9 MS. POMYKALA: Yes.
10 MR. SCHMIDT: Let me try (inaudible).
11 MR. MCCANN: This is, for the record, this is the,
12 what, what was Petitioner's Exhibit 1. I'm not sure if it's
13 the same number or not, but.
14 MR. SCHMIDT: It's the same, Mr. McCann, just so
15 everybody is clear, it's the same one and it's still marked as
16 exhibit number one.
17 MR. MCCANN: Okay, great. So, real quick on the lawn
18 area, I don't want to belabor this either. But, so this area
19 where we see the circle there, I think everybody has recognized
20 that. And the, the lawn that is in and surrounds it. That, as
21 you, I think you've acknowledged, is owned by one or more of my
22 clients, correct?
23 MS. POMYKALA: Wait, I don't understand the question.
24 MR. MCCANN: This, this lawn area, including the
25 circle.

MS. POMYKALA: The lawn area in the center, the grassy part.

MR. MCCANN: Right, and, and the, and the road itself, that is the circle, --

MS. POMYKALA: Except for the part right in front of the mansion.

MR. MCCANN: Well, yeah, let me, let me, understood. Let me rephrase it. There's a property line here shown in dark on this photograph, on this plan rather. Do you see that?

MS. POMYKALA: Yes.

MR. MCCANN: Okay and at least according to this plan, everything below that line, including the lawn area and the circle is all owned by my, by one or more of my clients, correct?

MS. POMYKALA: No, we own the top part of that area in front of the mansion, of the road.

MR. MCCANN: Okay. Above this black line, in other words, this portion right here you're speaking to, correct?

MS. POMYKALA: Right.

MR. MCCANN: But the, the road, nevertheless, although my clients own the circle and the lawn, that's used by you in conjunction with the events --

MS. POMYKALA: No, we do not use that at all.

MR. MCCANN: You do not use the lawn area at all?

MS. POMYKALA: No.

MR. MCCANN: You do not use the circle at all in connection with your events?

MS. POMYKALA: That's the same thing you're talking about, the circle area.

MR. MCCANN: Okay.

MR. SCHMIDT: Do, do you mean for access, or do you mean for the events?

MR. MCCANN: For any, for any use.

MR. SCHMIDT: Oh, I'm sorry.

MS. POMYKALA: We use the road for use to get over to the mansion.

MR. MCCANN: Do you use the circle and the lawn area for anything other than that?

MS. POMYKALA: No, we do not use the lawn area one time, unless somebody like Cal Ripken comes over and asks the community association. They have to deal with the community association and see what they rent it out for if they want to use it.

MR. MCCANN: Okay. The, the tent structure, let's talk about that real quick. You call it a tent but the, the tent structure, I think, as you've also acknowledged, is, is permanent in nature, correct? It's been there?

MS. POMYKALA: It's been there.

MR. MCCANN: Yeah, when I say perm, when I say permanent, number one, I think you've acknowledged that it's

attached to the building somehow?

MS. POMYKALA: Yes.

MR. MCCANN: Okay and it has HVAC, it has heating and air conditioning, correct? Ma'am?

MS. POMYKALA: It had that when we bought the property.

MR. MCCANN: All right. I'm asking you whether it has it currently. Does it have it currently?

MS. POMYKALA: Yes, it has it currently. It's --

MR. MCCANN: Okay.

MS. POMYKALA: -- we've had it currently.

MR. MCCANN: Okay and then in terms of electrical, it has lighting inside of it?

MS. POMYKALA: Yes, correct.

MR. MCCANN: Okay and it, obviously there's, there's power, electrical power to the tent structure, correct?

MS. POMYKALA: Yes.

MR. MCCANN: And there's, there's actually doors with doorknobs to the tent structure, rather than sort of a tent flap, right?

MS. POMYKALA: Correct. There are three doors. And the tent can be opened to let fresh air in.

MR. MCCANN: Gotcha.

CHAIR: Is the, is the roof canvas or is it solid?

MS. POMYKALA: Is the road what?

MR. SCHMIDT: Is the roof canvas?

MS. POMYKALA: The roof is canvas.

CHAIR: Okay.

MR. MCCANN: But it's a sturdy tent structure, it's not, I'm sure you're, and you're in that business, ma'am, tent structures can be, can be sturdy. It is a sturdy tent structure.

MS. POMYKALA: The wind hasn't blown it down yet.

MR. MCCANN: Okay, all right. And let me just show you, if I can, I have some photographs real quick. And this would be, Mr. Evans and Mr. Lauer, or I'm not sure if Mr. Pennington, who's handling the exhibits. But we've pre-marked seventeen exhibits. I guess it makes sense to make this eighteen. So, let me share this with you.

MR. MCCANN: Do you see that, ma'am?

MR. SCHMIDT: I'll try to enlarge that so --

MS. POMYKALA: Yes. Okay, there's a lot of white in it, but yes, I can see that.

MR. MCCANN: Yeah, it's not the best photograph, at least as, as copied. But this is the interior of the tent structure, correct?

MS. POMYKALA: Correct.

MR. MCCANN: Okay and this is taken, looks to be, from your website?

MS. POMYKALA: I'm not sure. I would not put that on

my website, but.

MR. MCCANN: Okay.

MS. POMYKALA: Could be that one of my subs did that, but that, that is not what I can remember being on the website.

MR. MCCANN: Okay.

MS. POMYKALA: Okay.

MR. MCCANN: And that's the first picture, the second picture in this Exhibit 18. Is this also the interior of the tent structure?

MS. POMYKALA: Yes.

MR. MCCANN: Okay and then, the third photograph is a picture of, we've seen the gazebo in other photographs. This is a picture of the exterior area of the --

MS. POMYKALA: Right, that's a wedding in progress.

MR. MCCANN: Okay and that's sort of, I guess, to the east or just northeast of the tent structure, correct?

MS. POMYKALA: It is directly in back of the tent structure.

MR. MCCANN: Okay and this is --

MS. POMYKALA: That walkway that you see goes from the tent out to that gazebo.

MR. MCCANN: Okay.

CHAIR: What's the tent floor made of?

MS. POMYKALA: It's made of the original patio that was out there.

1 CHAIR: So, it's stone or --
2 MS. POMYKALA: Yes, it's stone, it's stone.
3 CHAIR: Okay.
4 MR. MCCANN: Okay. I'd move eighteen into evidence
5 before I forget, Mr. Evans.
6 CHAIR: It's what, A, B and C?
7 MR. MCCANN: Correct.
8 CHAIR: Okay, they're admitted.
9 MR. MCCANN: Thank you.
10 MR. SCHMIDT: I don't have any objection. I guess,
11 Mr. McCann, just for background, are these, where did you get
12 these? Did somebody take these or --
13 MR. MCCANN: These are all from the, from the
14 website.
15 MR. SCHMIDT: Okay.
16 MR. MCCANN: I just pulled them yester, a couple days
17 ago (inaudible). Actually, I pulled them yesterday.
18 MR. SCHMIDT: Okay.
19 MR. MCCANN: Okay. Also, you mentioned, we talked
20 about Mr. Clowney a couple times. Mr. Clowney was the, was
21 the, the owner of the company from whom you purchased the
22 property, correct?
23 MS. POMYKALA: That is correct.
24 MR. MCCANN: And you mentioned something about him
25 having an office on the second or third floor. Did he, after,

1 after he sold the property to you, --
2 MS. POMYKALA: Well, okay, --
3 MR. MCCANN: -- did he continue to maintain an office
4 at the --
5 MS. POMYKALA: I think, I think I said before that
6 Bill could not pay what he owed to Rob Scarda, who is going to
7 testify next. And that the property, after a number of years,
8 Rob put it up for foreclosure. And then foreclosure came,
9 Courts approved it, three, three months later and then we
10 became the owners.
11 So, passing from one owner to the other, passed from
12 Bill Clowney to us. But all the proceeds from the sale went to
13 Rob. So, that's how we got it. And during that time that he
14 was still the owner, he had the second-floor offices that are
15 now our offices.
16 When he then became employed by us or, or rented from
17 us, not employed by us, but rented from us, the catering space,
18 he went up to the third floor where he had a large office and
19 then a private office.
20 MR. MCCANN: Okay. That's what I thought you said,
21 at least so, when Mr. Clowney rented the office space from you,
22 that, he was, that, that office was for the purpose of, not for
23 the purpose of Grey Rock Mansion's business, but rather for
24 some other business that he continued to maintain, a catering
25 business?

1 MR. SCHMIDT: Just, objection. I'm not sure what the
2 relevance is since he's not there any longer. I mean, it
3 almost sounds like a violation case question. We're not here
4 on a, whether there's an illegal office there. I mean, the
5 owner has an office today, so. I guess I'm just asking what
6 the relevance is, Mr. Evans.
7 CHAIR: Well, what's the relevance, Mr. McCann?
8 MR. MCCANN: Well, we're dealing with non-conforming
9 uses, that's an important part of this case. And the extent to
10 which this was used for something other than what it should be
11 used, you know, beyond the, the relevant time, I think is, is
12 important, either --
13 CHAIR: Have, have you finished asking questions
14 about it?
15 MR. MCCANN: Yeah, this would be just, what I want to
16 know as a factual matter, whether Mr. Clowney's work, as I
17 said, was in the, in the mansion was for another company or not
18 or whether, the fact that it's rented suggests that it is. But
19 I wanted to confirm that and move on after that, Mr. Evans, if
20 that's your question.
21 MR. SCHMIDT: I think the witness has testified that
22 Mr. Clowney was the guy who operated the catering business that
23 occurred before. So, he had an office there for his catering.
24 I think that's what Ms. Pomykala said.
25 I don't know how that's inconsistent with it being a

1 non-conforming use for, I mean, the mansion itself is not non-
2 conforming, it's permitted. What's non-conforming is the lawn
3 area and the parking lot. So, what he did in the mansion, I,
4 I'm not sure how that bears on --
5 CHAIR: Well, I'm not sure either. But is he still
6 there?
7 MR. SCHMIDT: No. He, he was the, if I can, Mr.
8 Evans, I think the witness has testified, he was the caterer,
9 essentially, he was one of the caterers who Ms. Pomykala in,
10 going back, our position is this has been a catering facility.
11 Again, the catering is permitted in the mansion
12 because the zoning is BR and that allows it. The, the
13 testimony that you'll hear was that the lawn and the parking
14 has always been used as part of the catering business to, and
15 that predates 2000 when the zoning changed in those areas to
16 DR-3.5.
17 I'm not trying to get ahead of myself, but it's kind
18 of complicated because when they change the zoning, for
19 whatever reason, they changed, they drew a box around, as it
20 shows on the site plan, they drew a box around the, the
21 building and changed the zoning outside that box, which
22 included part of the lawn and part of the parking. I don't
23 know why they did it that way, but that's why we find ourselves
24 in the situation we find ourselves in.
25 CHAIR: Okay.

MR. MCCANN: None of which changes my purpose of my question, Mr. Evans.

CHAIR: Ask your question, let, let, let, this, this seems like --

MR. MCCANN: Much to do about nothing.

CHAIR: -- much to do about nothing. Ask your question and let's move on.

MR. SCHMIDT: Sorry.

MR. MCCANN: Ma'am, when Mr. Clowney was renting from you after you purchased the property, was he renting for the purpose of operating some business other than your business, some separate business?

MS. POMYKALA: The same thing he was doing before, which was Simply Elegant Catering.

MR. MCCANN: So, he was operating Elegant Catering out of your building?

MR. SCHMIDT: Simply Elegant is the name, the name of it.

MR. MCCANN: Simply Elegant, is that correct?

MS. POMYKALA: That is correct.

MR. MCCANN: Okay, all right. Bear with me, I think that's all I have.

CHAIR: Okay. Any re-direct, Mr. Schmidt?

MR. SCHMIDT: No, I don't. Any questions of the Board, I guess?

CHAIR: None from me.

MR. MCCANN: I, I have one more question actually.

CHAIR: Okay, Mr. McCann.

MR. MCCANN: As I, as I was looking through my notes. Ma'am, you, you've described, and we've seen photographs that the landscaping that you've done on sort of the eastern portion of the property, to the right of the mansion as you're looking at it, that was done, was, was, it sounds like it was a lot of landscaping?

MS. POMYKALA: No, it wasn't, because we just wanted to get some beautiful flowers in. I have gobs of them at Gramercy, I can bring them on over. So, we've started, you know, as we take care of the lawn, fertilize it, get it nice and green.

We've also been trimming all the bushes. There's a lot of bushes that have never been trimmed forever. So, that was part of it also. That will improve. I'm, I'm a gardener. I love beautiful gardens and I've traveled all over the world seeing them. So, all the gardens at Gramercy have been designed by me and I intend to make this a true garden space there.

MR. MCCANN: Okay, thank you, ma'am. No other questions.

CHAIR: Mr. Lauer or Mr. Pennington, any questions?

MR. LAUER: I have a couple of quick questions if we

1 might, please. First of all, are you using the third floor now
2 for offices, is that correct?
3 MS. POMYKALA: No, it's not being used. It needs to
4 be restored anyway.
5 MR. LAUER: Okay. Second, do you have any knowledge
6 of a caretaker or person living in the mansion at any time?
7 MS. POMYKALA: I have no personal knowledge of that,
8 that's before my time.
9 MR. SCHMIDT: Mr. Lauer, just, not to interrupt you
10 but I have another witness who will testify about that.
11 MR. LAUER: Thank you. Third thing, if there is a
12 caretaker there, do you think that that will have a negative
13 impact on the community in any way?
14 MS. POMYKALA: Well, I sure would hope not because I
15 hate to see a burnt down mansion sitting there in the middle of
16 their community. I hate to see a, I, somebody taking over that
17 mansion because I can't, if you all get your way, that I, that
18 I don't have the funds to restore it. It would not make
19 financial sense for me to keep it.
20 So, what happens to that mansion? It just
21 deteriorates more and (inaudible) you have a shell, you have
22 the reputation of destroying something very significant to the
23 country. No, I wouldn't, I, I will, that, that, that caretaker
24 will be a tremendous asset to the community. That, that person
25 will make sure that my, that, that mansion that I'm restoring

stays that way.

MR. LAUER: Ma'am, I'm sure, ma'am, that that person will be a positive for the mansion. What about the community surrounding it? Do you see any way that --

MS. POMYKALA: Well, (inaudible) --

MR. LAUER: Excuse me. Do you see any negative impact upon the community by having a caretaker live on the property?

MS. POMYKALA: How could it possibly be negative?

MR. LAUER: Well, I, I'm asking you the --

MR. SCHMIDT: He's, he's asking you the question, so you have to say yes or no.

MS. POMYKALA: It would not have a negative effect on the community in any way that I could understand.

MR. LAUER: Thank you, ma'am.

CHAIR: Ma'am, I'm, just to round out Mr. Lauer's question. Is there any negative impact that occurs to you by the caretaker having a partner there?

MS. POMYKALA: Having a partner there?

CHAIR: Yeah.

MS. POMYKALA: Keep my caretaker happy to have a significant other there.

CHAIR: Is there any, but is there any, can you, you know, can you think of any negative impact on the community, the out, outside community by that person having a --

MS. POMYKALA: One more person using the driveway to go wherever that person works or she could be working for me. Indeed, I never know what is going to show up at the front door.

MR. SCHMIDT: But you have to answer the question.

MS. POMYKALA: Okay.

MR. SCHMIDT: Yes or no.

CHAIR: The answer I think is no, there, there's no negative impact that occurs to you, is that correct?

MS. POMYKALA: No, there's no.

CHAIR: Okay, thank you. Mr. Pennington?

MR. PENNINGTON: I don't have any questions.

CHAIR: Okay. Mr. Schmidt, any other questions?

MR. SCHMIDT: No, sir. Thank you.

CHAIR: Okay and Mr. McCann, you're done as well?

MR. MCCANN: Yes, thank you, Mr. Evans.

CHAIR: Okay, great. Okay. Ma'am, you're excused. Thank you. And we'll move onto the next witness.

MR. SCHMIDT: Yes, sir. I'm going to have my witness change seats so you can see him. We found that if we do this in my conference room, nobody can hear because of the distance between the screen on the wall, so. It's a little crowded in my office, but you can hear and see people better. I just have to move them around. Okay. Mr. Lauer, this is Robert Skudrna. You want to swear, I think you're swearing the witnesses?

MR. LAUER: I am. Thank you, Mr. Schmidt. Sir, raise your right hand. Do you swear and affirm under the penalty of perjury, that the testimony you are about to give is true and correct to the best of your knowledge and belief?

MR. SKUDRNA: Yes, I do.

MR. LAUER: And please give us your name, spell your last name and give us your address for the record.

MR. SKUDRNA: Robert Joseph Skudrna, S-K-U-D-R-N-A.

MR. SCHMIDT: And an address.

MR. SKUDRNA: Address, residence 36125 Huntington Street, Millville, Delaware 19967. My current office is still located in Baltimore County, The Bridge Team of Long & Foster, 46 Main Street, Reisterstown, Maryland 21136.

MR. LAUER: Thank you, sir. I think that's adequate. Thank you.

MR. SCHMIDT: Okay. Mr. Skudrna, your name has been referenced, but let me take you back. What is your, are you familiar with the Grace, Grace, Grey Rock Mansion property?

MR. SKUDRNA: Very much so.

MR. SCHMIDT: And take us back, what's your first memory or experience with Grey Rock? Let's start at the beginning.

MR. SKUDRNA: My very first memory of Grey Rock was when I was an altar boy at Sacred Heart of Glyndon. Trinitarian Brothers owned the property. They had summer camps

and retreats for altar boys and for teens or preteens. I attended a few summer camp retreats at Grey Rock, dating back around 1969, 1970. They were daytime camps, they were not overnight camps.

Back then, as a camper/altar boy we utilized the tent area for lunch and meetings. If it were really bad weather out, we would go into the mansion proper. The Trinitarians back then had two outbuildings on what would be the north, behind the building.

One was an old barn that they had converted into a miniature golf course, and we would play miniature golf in the barn. And there was also a residence, colonial, I believe it was three bedroom, two bath colonial. The, that particular outbuilding and the barn were razed, I guess, in the late 1990s.

But my first recollection was when the Trinitarians were there. At the time it was Brother John, who had just gotten back from Vietnam, who at the time was a good friend of mine or mentor. He wound up going from the brotherhood to the priesthood. He was a priest at Sacred Heart of Glyndon for several years before he relocated out to Illinois.

Brother John, at that time, lived in Grey Rock Mansion proper, along with a few of the other brothers. They had their personal residence in the second floor, of which we were not allowed to go up onto the second floor unless we were

1 accompanied by several people. But those are my first
2 recollections of the mansion.
3 After that, I attended Towson University from 1977 to
4 1980. At that time, I was employed part-time by Captain
5 Harvey's Restaurant in Owings Mills, and I was involved with
6 Captain Harvey's when they catered some events at the mansion
7 during those years.
8 MR. SCHMIDT: So, there was catering that was going
9 on at the mansion as early as?
10 MR. SKUDRNA: To the best of my recollection, like
11 Anne, although I'm not quite the historian Anne is, when I did
12 ultimately wind up purchasing the mansion, I went to the
13 Maryland Historical Society to do some background research.
14 Lenny and Gail Kaplan, whose families back then owned the
15 Pimlico Hotel, they catered at the mansion for the Epstein
16 family, as well as for others dating back to the 1940s and
17 '50s.
18 MR. SCHMIDT: Okay and did the Trinitarians, to the
19 best of your knowledge, ever have any catered events there when
20 they owned the property from the '60s through the '90s?
21 MR. SKUDRNA: Yes, for both themselves, as well as
22 they did allow outside events to come in, although nowhere near
23 the level that started, I guess, in the early 1980s with Valley
24 Catering.
25 MR. SCHMIDT: Okay. So, let me --

1 MR. MCCANN: I'm sorry to interrupt. I'm going to
2 object right there. I, I think we need, Mr. Evans, to be
3 careful about what this gentleman is testifying about, based on
4 his personal knowledge versus his research. And, and with, my
5 objection is with respect to the last question, which was
6 whether the Trinitarians were conducting catering activities
7 between the 1960s and the 1990s.
8 He very well may have been there during that time,
9 but he had just spoken about research that he did. And I think
10 it makes a difference, certainly for purposes of, --
11 MR. SKUDRNA: Well, the research that I would say,
12 the research dates back to --
13 MR. MCCANN: Hold on, hold on.
14 MR. SKUDRNA: Oh, I'm sorry, go ahead.
15 MR. MCCANN: And all I'm asking maybe is, as an
16 objection to the question, and the lack of foundation, maybe
17 that's the objection, Mr. Evans, is that this gentleman should
18 be asked about what he knows and how he knows it.
19 MR. SCHMIDT: Mr. Evans, can I be heard in response?
20 I mean, he's testified he's been familiar with the property, he
21 was there, he's got an experience. I mean, this is all fine
22 for cross examination if Mr. McCann wants to cross examine him.
23 But, I mean, the witness has testified this is based
24 on his knowledge. And I would also say that in an
25 administrative hearing, hearsay is admissible. So, he can

1 explore that on cross, but the witness said he's been familiar,
2 and he was at the property as far back as the 1960s, so. I,
3 I'll ask him. How do you know about what the Trinitarians were
4 doing, Mr. Skudrna?
5 MR. SKUDRNA: I was there. I was, I, I, I attended
6 camps there, I attended catered functions there. I worked
7 there for an employer who catered events there.
8 MR. SCHMIDT: And who was that employer?
9 MR. SKUDRNA: Captain Harvey's.
10 MR. SCHMIDT: And when was that? What was the
11 timeframe?
12 MR. SKUDRNA: Nineteen seventy-seven to 1979.
13 MR. SCHMIDT: Okay, okay.
14 CHAIR: Tell me again when you were there as a, an
15 altar boy? What, that was the late '60s?
16 MR. SKUDRNA: Nineteen sixty-nine to 1971.
17 CHAIR: Okay.
18 MR. SCHMIDT: You would have been in high school at
19 the time, Mr. Skudrna?
20 MR. SKUDRNA: I would have been between twelve and
21 fifteen years old, junior high school, they used to call it
22 back then, I guess.
23 MR. SCHMIDT: Okay.
24 CHAIR: Okay, thank you.
25 MR. SCHMIDT: Mr. Skudrna, did, I think you've

1 described the Trinitarians use. Did there come a time that you
2 acquired an ownership interest in the property?
3 MR. SKUDRNA: Yes.
4 MR. SCHMIDT: And if you could tell the Board, when
5 was that and from who'd you acquired the property and sort of
6 what the circumstances were relating to your ownership, either
7 yours solely or with others, whatever those circumstances were.
8 MR. SKUDRNA: Sure. I founded Simply Elegant
9 Catering, Inc. in Baltimore County, State of Maryland, in 1986.
10 We started in Owings Mills on Cromridge, Cromridge Drive. We
11 were strictly off premise caterers, which meant we went to
12 different venues similar to a Grey Rock or the World Trade
13 Center or Westminster Hall, or Gramercy Mansion, facilities
14 like that.
15 MR. SCHMIDT: And this was in 1986 that you
16 established this business?
17 MR. SKUDRNA: Yes.
18 MR. SCHMIDT: And the name of the business was?
19 MR. SKUDRNA: Simply Elegant Catering.
20 MR. SCHMIDT: Okay. I know it was 1986.
21 MR. SKUDRNA: Um hm.
22 MR. SCHMIDT: All right. If you could maybe bring us
23 forward and, and tell us how that related to Grey Rock. Did
24 you, did Simply Elegant cater at Grey Rock during those years?
25 MR. SKUDRNA: No, at that time, Valley Catering was

1 the exclusive caterer at Grey Rock Mansion.
2 MR. SCHMIDT: And if you know, who owned Valley
3 Catering?
4 MR. SKUDRNA: Valley Catering was owned by Mrs.
5 Barbara Flecker.
6 MR. SCHMIDT: Okay. If you could just, I think,
7 maybe take us forward then from '86 to when you established the
8 company.
9 MR. SKUDRNA: Sure. I had met with Barbara Flecker
10 many times over the years to express our interest in taking
11 over Grey Rock Mansion if and when she was ever ready to
12 retire, sell, get away, what have you. And the first several
13 meetings were cordial, but Barbara was not ready to let go.
14 So, Valley Catering worked there when the Trinitarian
15 Brothers owned the property. They also worked there after the
16 Trinitarian Brothers sold the property to the operating
17 engineers of Maryland.
18 CHAIR: So, was Valley Catering actually onsite at
19 Grey Rock when the Trinitarians were there?
20 MR. SKUDRNA: Yes, sir.
21 CHAIR: Okay.
22 MR. SKUDRNA: They had two locations. They had, they
23 operated an in-house facility at the mansion.
24 CHAIR: Um hm.
25 MR. SKUDRNA: And they also operated a commissary on

Main Street in Reisterstown.

CHAIR: Okay.

MR. SKUDRNA: So, I had approached Barbara several times. She never expressed interest in selling. She was pleased with her business. And then out of the blue, in 1995, we got a phone call from Barbara that she was struggling.

She was having trouble keeping up with her bills, revenues were down, and she needed some help, either a merger, a buyout or, or something because she was about six months in arrears in her rent, with the operating engineers, they were going to boot her out and how could we work something out.

So, I looked at her lease that she had with the operating engineers. It was a terrible lease. Back then, in the 1990s, she was paying $15,000 a month in rent, plus a percentage of her gross. We were interested in taking over, purchasing the business assets from her.

But before we did that, I wanted to meet with a few, I wanted to meet with the landlord, first of all, the Operating Engineers of Maryland, as well as representatives from Grey Rock Flats, Grey Rock Villas and Grey Rock Maintenance to make sure that it was a good situation that we would be getting involved with and not a hornet’s nest.

I also met with some County people back at the time, from Dutch Ruppersberger, who was very involved and knowledgeable, to Jim Smith, who was a Judge at the time, that

1 was before he was County Executive. I got a lot of great
2 insight from all of them.
3 And my partner and I decided to move forward. We
4 renegotiated the lease with the operating engineers, with the
5 intentions if everything went well, to purchase the real estate
6 within a couple of years.
7 That was in 1996. We took over the business from
8 Barbara Flecker. We employed her for one year as a general
9 manager. After that year, she decided to leave, and she
10 relocated to Texas. I don't, I believe Barbara is deceased at
11 this time. I know when she left Maryland, she moved to Texas.
12 She actually had a TV show on one of the networks down there
13 for a brief period of time about catering and things. But I
14 believe she took ill, and I believe she is deceased.
15 We did exercise our rights with the operating
16 engineers and purchased the property from them, with the help
17 of the Small Business Administration, in 1998. We borrowed
18 $1.1 million, which was a lot of money for two young guys back
19 then.
20 A million to purchase the mansion from the operating
21 engineers and $100,000 to improve the property, install the
22 parking lot, the main parking lot, have a landscape architect
23 replace the gazebo that was falling down, replace the temporary
24 tent with a permanent structure.
25 To answer a question from earlier that we had an

engineer confirm that that structure would sustain winds of up to a hundred and forty miles an hour. But we purchased the property in 1998. And I operated that property from 1998 running Simply Elegant Catering at Grey Rock Mansion out of that property from 1998 to roughly the early 2000s, when we sold the business of Simply Elegant Catering to Bill Clowney, who was referred to earlier.

We maintained the real estate for, I think, about five years, until we could pay off the full mortgage, satisfy the SBA and then somewhere around 2010, we continued to hold the note on the property. But we, in turn, sold the building to Mr. Clowney.

So, at that time, I guess, we basically became the lender, although we weren't involved with day in and day out operations. We held the note, and I did stay employed by Mr. Clowney for about two years after I, we sold the real estate to him, operating as his, I guess, trying to keep a lot of the customers satisfied, mentor, semi-general manager.

When we purchased the property in 1996, we owned 3.5 acres, is what we purchased. At that time, it was all zoned BMBR. Dutch told me that he was adamant that the mansion not be destroyed because the developer, Dormant Carter (phonetic), in the early phases, was hoping to eliminate the mansion.

Dutch told me back then, he was still the councilman, and he made it clear that he would allow the two hundred plus

1 or minus villas to be built, but that the mansion was not to be
2 razed and set up some restrictive covenants with the Valley
3 Planning Council because Valley Planning Council, I guess, has
4 a reputation of being a good watchdog of property in Baltimore
5 County, to make sure that things really get handled well.
6 When we purchased the property, we were a little
7 disappointed because it was 3.5 acres BMBR and we had plans,
8 there were actually plans agreed upon by the County and Valley
9 Planning Council to build a three story office building behind
10 the mansion that we would have a florist, a special events type
11 of wedding coordinator, a rental company in there.
12 But unfortunately, in 2000, Kevin Kamenetz, at the
13 time, was the County Councilman, decided that he wanted to see
14 that back parcel of property downzoned, which we were really,
15 we took a real financial hardship when that happened. But we
16 wound up selling off the back two acres plus or minus to a
17 builder who built those ten or eleven residential properties
18 that are back there.
19 And we maintained the one and a half acre, plus or
20 minus, of the mansion itself, proper, the garden area, the main
21 parking area, as well as the pool parking lot. Which the pool
22 parking lot, we owned, and we granted an easement to Grey Rock
23 Flats, Grey Rock Villas, Grey Rock Maintenance to use that pool
24 lot for their swimming pool.
25 We had originally proposed to sell them that lot. We

1 were asking for $200,000 to sell that portion to them. They
2 didn't have the money in the budget or decided it was not in
3 their best interests.
4 But they had asked, as long as we always give them
5 permanent access, ingress and egress, to the pool parking lot,
6 they would always give us permanent ingress and egress to the
7 mansion off of Route 140, so that we could have the back
8 portion of the property sold off, subdivided and the
9 residential properties be put on the back.
10 The tent structure is basically a permanent tent
11 structure, as mentioned earlier. It does have air
12 conditioning, heating, electrical. Again, it was very
13 expensive. We had a structural engineer design it. We bought
14 it from a company out of Frederick, Maryland. At the time, we
15 paid like $65,000 for it.
16 It has been there ever since, I believe we signed the
17 contract for that in 1998, and it was erected in spring of
18 1999. That same time, we had the original gazebo --
19 CHAIR: I, I thought it was there, I thought it was
20 there when you went to camp there.
21 MR. SKUDRNA: There was a tent there, but not this
22 tent.
23 CHAIR: Not this tent, okay.
24 MR. SKUDRNA: No.
25 MR. SCHMIDT: It was replaced by you in ninety, '98

is when you contracted for it, ’99 is when it was built?

MR. SKUDRNA: Is when it was completed.

MR. SCHMIDT: So, it’s the same tent that is there today?

MR. SKUDRNA: Yes.

MR. SCHMIDT: Okay and so, the same tent has been there since you, you owned it, I’m sorry, since you acquired it in ’98, Mr. Skudrna?

MR. SKUDRNA: Correct.

MR. SCHMIDT: And has remained, and has that, was that tent always used, or used when you bought it, for part of the catering operation. You saw these, I don’t know if you saw the pictures of people dining in there --

MR. SKUDRNA: Yes, absolutely.

MR. SCHMIDT: -- tables, that’s how it’s always been used?

MR. SKUDRNA: Correct.

MR. SCHMIDT: And has the area, has that lawn area where the gazebo is and the, and the tent is extending out into that lawn area, was that always part of the catering operation, that people would go out there and get married or in nice days, have a drink or whatever in that area?

MR. SKUDRNA: Yes, correct.

MR. SCHMIDT: How about those parking areas as well?

MR. SKUDRNA: Parking area, again, when we took over

1 the property, it wasn't even paved. It was just crush run. We
2 did have the large, primary parking lot paved. We also did,
3 again, have our meetings with the Grey Rock community to make
4 sure that the swimming pool lot would be a shared lot and that
5 we would cooperate with them.
6 We really, it was originally intended that it was
7 just for residents to use during pool hours. But over time, we
8 did allow them to have their snow removal equipment and
9 landscape equipment and things like that stored there from time
10 to time, just trying to be good neighbors and coordinate with
11 them.
12 MR. SCHMIDT: Okay. So, Mr. Skudrna, at least since
13 19, 1998 through the time the property was sold to Ms. Pomykala
14 and her group in 2019, you were, were you familiar with the
15 property as either owner or operator or (inaudible), whatever
16 the capacity was, were you, were you familiar with the property
17 the entire twenty-year period?
18 MR. SKUDRNA: Yes.
19 MR. SCHMIDT: And was the property, and when I say
20 the property, was the entire property, the parking areas, the
21 lawn area, the mansion, the tent area, all the area that Ms.
22 Pomykala described now, was that used by you or others as a
23 catering operation?
24 MR. SKUDRNA: Yes, that's correct.
25 MR. SCHMIDT: Okay and there was no discontinuance of

1 that or ceasing of that use for other purposes during that
2 time?
3 MR. SKUDRNA: That is correct.
4 MR. SCHMIDT: Okay.
5 MR. SKUDRNA: And then, I would just also mention
6 that when we did take over the property from Valley Catering in
7 1996, they did have a caretaker living on the premise, who was
8 their executive chef, if you really want to call him that. I
9 don't know how formally he was trained.
10 MR. SCHMIDT: And do, do you know where he lived on
11 the property?
12 MR. SKUDRNA: Yes.
13 MR. SCHMIDT: Where was that?
14 MR. SKUDRNA: He lived on the second floor. There is
15 one large office there that also has a full bath. And that was
16 his residence.
17 MR. SCHMIDT: If, if you know, because of the, I know
18 your familiarity with the property for all these years, Mr.
19 Evans had asked Ms. Pomykala, do you an idea of the size of
20 that caretaker's quarters that he used, or would be used now?
21 MR. SKUDRNA: Yeah, I would say that particular
22 office was probably, it was a big office, maybe fifteen by
23 twenty, if I had to guess, and then the bathroom, so. Probably
24 three hundred square feet, plus or minus for the office and
25 another hundred and fifty square feet for the bathroom. So, it

1 was probably just under five hundred square feet total.
2 MR. SCHMIDT: Five hundred or five hundred square
3 feet?
4 MR. SKUDRNA: Five hundred square feet.
5 MR. SCHMIDT: Would be the caretaker's quarters?
6 MR. SKUDRNA: Yes, and like Anne had testified to
7 earlier, probably represented less than twenty-five percent of
8 the space of the second floor.
9 MR. SCHMIDT: Okay, okay. I didn't meant to
10 interrupt you, Mr. Skudrna, go ahead.
11 MR. SKUDRNA: No, that's okay. And I would mention
12 as well that one of my questions years ago for the same reason
13 that the community wanted it, the community wanted overnight
14 security at the gatehouse. So, it seems to me like for the
15 same benefit of the community to have security at the gatehouse
16 overnight, to have security at the mansion would be a huge win
17 for the community just in case of any catastrophic situation.
18 You know, I know when I was there, the neighbors were very
19 concerned about people coming into the community from Greentree
20 and perhaps creating situations with cars being broken into and
21 things like that. So, I guess, unfortunately, in this day and
22 age, you can just never have enough security.
23 MR. SCHMIDT: Now, just so the Board is aware, the,
24 the gatehouse that you mentioned, can you tell the Board
25 members where is that physically.

1 MR. SKUDRNA: Sure, the gatehouse is physically
2 located directly off of Reisterstown Road. It is a gatehouse
3 that has two lanes, one for residents of the community, Grey
4 Rock Flats Villas and one lane for guests. I'm not sure how,
5 what the arrangement is any more, but I know when I was
6 involved, from dusk to dawn, the community had a security guard
7 in the gatehouse that would check people coming in to just,
8 again, secure the property for the community.
9 MR. SCHMIDT: Okay and Mr. Skudrna, to get to the
10 mansion and the circular driveway in front of the mansion, how
11 do you get there? Can you get there, I mean, what's, what's
12 the way one would drive to get there?
13 MR. SKUDRNA: There is, there is only one way to
14 access the Grey Rock Mansion and that is off of 140,
15 Reisterstown Road. Other than that, it is land locked. That
16 was part of my conversations with the Grey Rock Flats, Grey
17 Rock Villas and Grey Rock Maintenance back in the late 1990s to
18 around 2000.
19 And again, the issue that I was made aware of when
20 Grey Rock community was being built, they had promised all the
21 residents there would be a community pool. And apparently, the
22 developer made a little mistake and did not have plans for a
23 pool parking lot.
24 And Baltimore County would not allow the pool to be
25 built without a parking lot. So, the communities approached

1 the operating engineers and then I was part of a follow-up
2 meeting with the operating engineers and Grey Rock Flats,
3 Villas and Maintenance, that we would grant them an easement
4 for that pool parking lot. And again, in exchange, they would
5 grant us perpetual easement, ingress and egress, off of
6 Reisterstown Road.
7 So, that was, those were important, serious
8 conversations because they were very instrumental to the
9 operation of the mansion, to what we would do with that back
10 property, as well as to how things would flow for the
11 communities.
12 MR. SCHMIDT: Okay and just because you mentioned the
13 road, the Greentree Road, what, where is that located in
14 proximity to the, to the, to the Grey Rock Mansion?
15 MR. SKUDRNA: Sure. Greentree Road comes up to the
16 back of the property, I'd say the mansion property, then you
17 have Clifton Court that runs into Greentree Road. When the
18 Trinitarians owned the property, they owned from Reisterstown
19 Road all the way to Park Heights Avenue.
20 And when they subsequently sold the parcel, the front
21 parcel, to Grey Rock, Inc., there were plans, County had plans
22 to put in Greentree Road. And at that point in time, there
23 would have been the opportunity to have separate ingress and
24 egress off of Greentree Road, if that had been the direction
25 that all parties involved had intended to go.

MR. SCHMIDT: But you can't get to the mansion from Greentree Road (inaudible)?

MR. SKUDRNA: Correct. Not anymore. In the late 1990s, the barn and the private residence that were in very bad disrepair were, were leveled and the, after the 2000 zoning change to residential, that back two acres was sold so that could be developed residentially. And that, in a sense, land locked Grey Rock Mansion from any ingress and egress, except for Reisterstown Road.

MR. SCHMIDT: Okay and I guess just because Mr. Lauer asked Ms., Ms. Pomykala, I mean, based on your experience, do you see any detriment to the neighborhood by having a caretaker's quarters here?

MR. SKUDRNA: Again, I see it as a big win. It seemed to me that if the community and the residents feel the urge or the necessity to have security at the gatehouse, I can't see why they wouldn't welcome with open arms security at the mansion.

MR. SCHMIDT: Okay.

MR. SKUDRNA: Because there could be a weak link in security. It would be fairly easy for someone, if they had ill will, to enter the community off of Greentree and, whether they were looking to carjack or break in to houses or anything, it, it could be, again, a loose link in the chain.

MR. SCHMIDT: Okay, okay. Thank you, Mr. Skudrna. I

1 don’t think I have any other questions of the witness.
2 CHAIR: Is there any downside, Mr. Skudrna, of the
3 caretaker having a live in companion there? I mean, --
4 MR. SKUDRNA: I, I even question the legality in
5 that. I mean, I have some leases and I can’t discriminate
6 against a married party. I mean, I think it would be pretty
7 disappointing if I had a candidate for a job, in this day and
8 age especially, when it’s so hard to find valuable employees
9 and I couldn’t hire them because he’s married, or she’s
10 married. I mean, again, I just think, I think it’s a huge --
11 CHAIR: The, the real question is, is there a
12 downside to two people living in that space as opposed to one?
13 MR. SKUDRNA: Absolutely not.
14 CHAIR: Okay, thank you.
15 MR. SKUDRNA: Not in my opinion.
16 CHAIR: Yeah, thanks.
17 MR. SKUDRNA: Sure.
18 CHAIR: Okay. Mr. McCann?
19 MR. MCCANN: Yeah, Mr. Evans, can we take a break,
20 just a ten-minute break, to get my notes together and also, a
21 five or ten minutes, and also a bathroom break as well?
22 CHAIR: Sure. What, what, what are we looking at?
23 It’s ten after twelve now, so what are we looking at in terms
24 of today’s scheduling? Are we going to finish today or are we
25 going to need another day? What’s, what’s going on?

MR. SCHMIDT: Well, let me, let me ask this. Because I have one other witness who I know I'm going to call is Mr. Richards, Carl Richards.

CHAIR: Um hm.

MR. SCHMIDT: And I'll ask Mr. McCann, Mr. McCann, I have the registered landscape architect who prepared the plan and the only thing I was going to ask her was basically the, you know, to describe the plan. But I don't even need to do that unless you have questions of, of her. I mean, the plan speaks for itself. It's the same plan. I can call her, I'd have to check, I think she's one of the participants listed, Ms. Tien. You know, maybe you don't have to answer me now, but just to try to get through it, if there's no reason to call her, I won't call her.

MR. MCCANN: That's, I, I don't have any questions if that's the scope of what she would say, so that's fine.

MR. SCHMIDT: Okay. She's just going to testify about the plan, where the zoning lines are, I mean, you can see it, the acreage, so on and so forth. Things that are self-explanatory about the plan.

CHAIR: So, he's, so Mr. Richards is what, about a half an hour or so, forty minutes?

MR. SCHMIDT: Yeah, I would say, probably, maybe a little longer on cross examination.

CHAIR: Okay, we'll say roughly an hour. And how

1 about you, Mr. McCann? What's your, I, I'm not asking you to
2 name your witnesses or anything, but just what's your, what's
3 your sense of the time?
4 MR. MCCANN: Yeah, I, I very much hope we will be
5 done today and hopefully early. I mean, I have a number of
6 community folks, but they all will be short and to the point.
7 So, there may be several of those, somewhere between three and
8 five.
9 CHAIR: Okay.
10 MR. MCCANN: But, but no expert testimony this
11 afternoon. So, yeah.
12 CHAIR: Well, if we, should we take our lunch break
13 now? I guess is the point I'm trying to get at.
14 MR. SCHMIDT: Yeah, why don't we take forty-five
15 minutes or so, Mr. Evans. That's fine with me.
16 CHAIR: Yeah, we'll come back at, promptly at 1:00,
17 is that good?
18 MR. SCHMIDT: Well, Mr. Skudrna says he does have
19 some commitments. How long are you going to be with him, Mr.
20 McCann? You want to finish him?
21 MR. MCCANN: I'm happy to do that --
22 MR. SCHMIDT: (inaudible) and then finish him?
23 MR. MCCANN: I'm happy to do that, if we could take a
24 break, Mr. Evans?
25 MR. SCHMIDT: Can we take five minutes, Mr. Evans and

1 the finish Mr. Skudrna to take lunch, is that okay?
2 CHAIR: Is that going to be okay with you, Mr.
3 McCann? Is five minutes enough for you?
4 MR. MCCANN: For a break?
5 CHAIR: For a break, yeah.
6 MR. MCCANN: A break is fine, maybe a little more
7 than that, but --
8 CHAIR: Okay, it's going to cut into lunch. We'll
9 take ten minutes. We will be back at 12:25 and hopefully we
10 will proceed expeditiously, okay?
11 MR. SCHMIDT: Thank you, all.
12 CHAIR: Okay, 12:25.
13 (PAUSE)
14 CHAIR: Great. We're now back on the record and Mr.
15 McCann, the witness is yours.
16 MR. MCCANN: Thank you, Mr. Evans. Good afternoon,
17 sir. Can you hear me?
18 MR. SKUDRNA: Yes, I can, thank you.
19 MR. MCCANN: Okay. I'd, first of all, I'd like to
20 flush out some of the timeline that you talked about this
21 morning and this afternoon. And I'm going to try to hit the
22 highpoints. So, first of all, as, as I understand it, based on
23 your testimony, between 1969 and 1971, you were an altar boy
24 during that period of time and had occasion to visit the
25 mansion for a few summer camp retreats during that period,

correct?

MR. SKUDRNA: That is correct.

MR. MCCANN: Okay. Also, subsequent to that, or at that time, you indicated that there were two outbuildings sort of behind the mansion, a barn and, and a colonial residence, correct?

MR. SKUDRNA: Yes, um hm.

MR. MCCANN: But you said those were razed in the 1990s?

MR. SKUDRNA: Correct.

MR. MCCANN: So, they were not there in, well, strike that.

MR. SKUDRNA: They were there when I purchased the property. They were there in 1996 when we took over the property and we really were hopeful that we could restore that barn because a lot of people love a mansion setting, but a lot of people also love a barn pavilion type setting. And we were hoping to restore the barn to make it a usable for events as well. Unfortunately, it was in such a state of disrepair that we were told it was past the point of no return.

MR. MCCANN: But they were razed I guess in the late 1990s, is that right?

MR. SKUDRNA: That is correct.

MR. MCCANN: Um hm, okay. And then, so jumping forward from the 1969 to 1971 time period, you then talked

about the period of 1977 to 1980, during which you were working at Captain Harvey's Restaurant, and you had occasion to, to, to cater some events at the mansion, correct?

MR. SKUDRNA: Yes, sir, that's correct.

MR. MCCANN: Okay and then, fast forward from that, and you started a business, which, as you acknowledge had nothing to do with the mansion. But in 1995, so some fifteen years later, you got a call from Barbara Flecker at Valley Catering and eventually, and Valley Catering you said at that time was in-house at the, the mansion doing catering, correct?

MR. SKUDRNA: Yes, uh huh.

MR. MCCANN: And then in 1996, so the following year, you were able to renegotiate Valley's lease with the then property owner, which was Operating Engineers, with the intention I guess to purchase the property at some time, correct?

MR. SKUDRNA: Yes, that goes back to, again, being familiar with the property for the fifteen years or so that Valley Catering and Barbara Flecker were involved there. I had made several visits because of my interest in acquiring the property. But --

MR. MCCANN: Okay, go ahead, I'm sorry.

MR. SKUDRNA: -- no, that's fine. Thank you.

MR. MCCANN: Well, you, you now are filling in the gap quite a bit. You said that during, that, that you had

1 occasion to visit Valley at the mansion in, several times
2 during this 1995 to 1996 time period, is that correct?
3 MR. SKUDRNA: I'm sorry, what, what was your time
4 period again?
5 MR. MCCANN: 1995, when you first got the call, and
6 then 1996, when you renegotiated the lease?
7 MR. SKUDRNA: Yes.
8 MR. MCCANN: Okay. So, I thought you said something
9 about fifteen years in there.
10 MR. SKUDRNA: No, I said I was familiar with the
11 property prior to taking it over, over that fifteen-year period
12 that Valley Catering operated the property. I had several
13 occasions to visit as a guest at different weddings, as well as
14 appointments with Barbara Flecker dating back to probably 1989,
15 when we expressed our first interest that if and when she was
16 ready to sell, we were here and motivated.
17 MR. MCCANN: Okay. Yeah, you didn't mention that
18 before, but thank you. And then, in 1998, it sounds like, two
19 years later, you exercised your option to purchase the property
20 from Operating Engineers, is that correct?
21 MR. SKUDRNA: That is correct.
22 MR. MCCANN: Okay and you operated your business
23 there, Simply Elegant, from 1998 to you said the early 2000s
24 when you sold the business to Mr. Clowney?
25 MR. SKUDRNA: I'm not sure exactly when it was that I

1 sold the business to Mr. Clowney, but it was sometime early to
2 mid-2000s.
3 MR. MCCANN: Okay, that, okay. Yeah, I, did, have
4 you spoken to Mr. Clowney recently about this?
5 MR. SKUDRNA: Not since I foreclosed on the property.
6 MR. MCCANN: Did you review Mr. Clowney's testimony
7 before the Administrative Law Judge before your testimony this,
8 this afternoon?
9 MR. SKUDRNA: I'm sorry, are you talking to me?
10 MR. MCCANN: Yes.
11 MR. SKUDRNA: What was the question?
12 MR. MCCANN: Did you review Mr. Clowney's testimony
13 before the Administrative Law Judge prior, prior to your
14 testimony this afternoon?
15 MR. SKUDRNA: No, I did not.
16 MR. MCCANN: Okay. So, Mr. Clowney represented in
17 that, during the hearing that you, that he took over the
18 business and the property in 2004. Does that sound right?
19 MR. SKUDRNA: I said early to mid-2000s, so I think
20 that would be in that time frame, yes.
21 MR. MCCANN: Okay. Did he take over the business and
22 the property at that point in time or just the business?
23 MR. SKUDRNA: He purchased the business assets, and
24 he signed the lease on the property.
25 MR. MCCANN: Okay, in 2004, correct?

MR. SKUDRNA: Yes.

MR. MCCANN: But he had been an employee of your company from 1998 to 2004, prior to that, correct?

MR. SKUDRNA: That is correct.

MR. MCCANN: Okay.

MR. SKUDRNA: And a wonderful employee.

MR. MCCANN: So, this tent structure, you indicated that, number one, that there had been a tent structure at some point in the past, back in the 1960s when you had visited there as an altar boy, is that right?

MR. SKUDRNA: Yes, over the years there almost was always some type of tent structure up from when I visited there in the late 1960s until early 1970s, when I attended functions there as a guest in the 1970s, 1980s. There was always, depending on the season, maybe not in the dead of the winter, but there was almost always a tent structure covering the patio portion of the courtyard.

MR. MCCANN: Any photographs or videos of that?

MR. SKUDRNA: That was before my time.

MR. MCCANN: Well, okay. But in any event, you, you, the, you indicated that in the spring of 1999, you erected a tent costing your company $65,000, correct?

MR. SKUDRNA: That is correct.

MR. MCCANN: And, and you're certain about that date, the spring of 1999?

MR. SKUDRNA: Very much so. I believe I talked to the company that built the tent structure and the local company that erected it and put it together and maintained it, Loan Brothers, spoke with them in 1998, signed the contract and it was erected in the spring of ’99.

MR. MCCANN: And you’re equally certain that that very same tent, the very same tent, is the same tent that is there today?

MR. SKUDRNA: As of 9:00 this morning, it’s the very same tent, I drove past it and checked it out.

MR. MCCANN: So, that tent is now twenty-three years old?

MR. SKUDRNA: Correct.

MR. MCCANN: Any photographs or videos of the tent when it was constructed allegedly back in the spring of 1999 or soon thereafter?

MR. SKUDRNA: I sold the business, as you have mentioned, in 2004, so that’s almost twenty years ago now. I don’t have any files of when I owned the business, they were all turned over.

MR. MCCANN: So, no photographs between 1998 and 2004?

MR. SKUDRNA: No. I mean, I’m sure there’s probably a lot of photos on the internet, a lot of weddings we catered, a lot of photographs that are still floating around out there,

1 but I don't have any in my possession.
2 MR. MCCANN: Okay. And then, in addition to you
3 testifying that the tent was the very same tent was there from
4 1999 to the present, you also said that during that same period
5 of time, there has been no discontinuance of the catering
6 operations at the mansion during that twenty-three-year period,
7 correct?
8 MR. SKUDRNA: That is correct.
9 MR. MCCANN: And you didn't tell us how you know
10 that, but how do you know that is --
11 MR. SKUDRNA: Michael, Baltimore is a small town, if,
12 I don't think I need to educate anybody on the panel on that.
13 So, I can't say a year has gone past that I haven't attended at
14 least two or three functions, either as a guest, social
15 functions like a wedding.
16 I was the President of the Reisterstown/Owings
17 Mill/Glyndon Chamber of Commerce for many years. We had our
18 corporate events there. So, even once I turned over the reins
19 to that property, I was always fortunate enough to attend many
20 functions --
21 MR. MCCANN: Yeah, I understand, I understand there
22 were many and I under, and I also understand the importance of
23 details. Is it your testimony, sir, that every year, every
24 year from 1998 to, Mr. Schmidt is shaking his head, every year
25 from 1998 to 2023, you have attended more than one event at the

mansion, is that your testimony?

MR. SKUDRNA: Up until 2019 when I sold the property in foreclosure to Anne, I had a vested interest in that property and at least multiple times every year from 1996 to 2019, I had firsthand knowledge of that property. From 2019, when I sold it to Anne's group till today, I've still had opportunities to visit the mansion, either as a guest or just stop by and tour the property.

MR. MCCANN: Okay. But your firsthand knowledge between the time period 1996 to 2019 was based on physical visits to the mansion during that time, every year?

MR. SKUDRNA: Absolutely.

MR. MCCANN: Okay. When was the, when was the parking lot --

CHAIR: Mr., Mr. Skudrna, you said you were President of the Chamber of Commerce?

MR. SKUDRNA: Yes, sir.

CHAIR: For, and that's for what, Reisterstown?

MR. SKUDRNA: Reisterstown, Owings Mills and Glyndon back then. And I was involved and on the Board from, I don't have that in front of me right now. But I would say I was President right around 1999, 2000. I was on the Board from roughly 1995 to probably 2004.

CHAIR: Does, --

MR. SKUDRNA: Sandy Smith, Jim's wife, was the

1 Executive Director. So, Sandy and I worked very closely back
2 then.
3 CHAIR: Did those, I, I, I take it that those
4 responsibilities require you to be familiar with the business
5 activities in the area, right?
6 MR. SKUDRNA: Absolutely.
7 CHAIR: Which would include this business, right?
8 MR. SKUDRNA: That is very correct.
9 MR. MCCANN: Would they require you to visit every
10 single business in Reisterstown, Owings Mills and Glyndon on an
11 annual basis?
12 MR. SKUDRNA: No. Yeah, there's really not a need
13 for me to visit an accountant's office.
14 MR. MCCANN: You said in 1996 there was an executive
15 chef living on the second floor, is that correct?
16 MR. SKUDRNA: Yes, that is correct.
17 MR. MCCANN: You, you didn't indicate how long he or
18 she lived there. Of what period of time --
19 MR. SKUDRNA: When we took over possession, I told
20 him he had to find another place to live. He resided there
21 when we took over in 1996. He had probably been there for two
22 to three years, I couldn't tell you exactly how long. But I
23 knew it had been a couple of years.
24 I didn't really want to rock the boat too much, so
25 when we took over the business in '96, we gave Barbara Flecker

one year employment contract and I allowed the executive chef, Joel, his name was Joel Maling (phonetic), to stay there until he found another place to live, which was probably eight or nine month after we took possession.

MR. MCCANN: Okay. I'm going to show you a couple of exhibits, sir. Bear with me one second. And just, just before I do that, it's your testimony that at no time from 1998, or early 1999, to the present, was the tent, or tent structure, ever temporary, that is, put up for specific events and then taken down, is that --

MR. SKUDRNA: That is correct. The main reason we spent all the money was to have a permanent structure. We looked about putting an addition on the mansion, but a lot of our brides preferred the feel of a tent as opposed to brick and mortar or drywall. So, we wanted to create an atmosphere where it felt warm and inviting but was also permanent in nature. So, --

MR. MCCANN: Right.

MR. SKUDRNA: -- it did have a canvas top, but it also had a lot, it had a, a very expensive liner that we put in it that had chandeliers. It did have, again, could withhold winds up to, withstand winds up to a hundred sixty miles an hour, I believe, is what the structural engineer told us. It was bolted into concrete footers over top of a, you know, a stone patio. So, yeah, for all, it had the, the warmth and

elegance of a tent, but we always treated it as a permanent structure.

MR. MCCANN: For, for every day from 1999 to the present is, the very same tent you just described?

MR. SKUDRNA: Yes, that is correct.

MR. MCCANN: Okay. Let me just show you a couple of photographs. So, this is Protestant's Exhibit 5, and I'll represent to you this is an aerial photograph from the County's GIS website dated 2002. And I'm sure you can orient yourself quicker than most of us here. But you can see the circle here and then the, the mansion right here, correct?

MR. SKUDRNA: Yes.

MR. MCCANN: Okay and would you agree with me that this somewhat whiter rectangle appears to be the tent structure?

MR. SKUDRNA: Yes.

MR. MCCANN: Okay. Okay. Let me show you a photograph --

MR. SKUDRNA: If you go further back up on the top, you can see that barn and you can see that residence, and you can see Greentree Road.

MR. MCCANN: Okay. So, you're talking about these two?

MR. SKUDRNA: Yes.

MR. MCCANN: Okay. But those, you, you had indicated

1 that those were demolished earlier than 2002, does this --
2 MR. SKUDRNA: Yes.
3 MR. MCCANN: -- refresh your recollection?
4 MR. SKUDRNA: Yep.
5 MR. MCCANN: But they weren't used, from the time you
6 took over?
7 MR. SKUDRNA: They were past the state of repair.
8 Yeah, we couldn't bring them back to life.
9 MR. MCCANN: Okay, okay. I'm going to go to Exhibit
10 4, Protestant's Exhibit 4, also an aerial photograph. This one
11 from 1998, do you see that, sir?
12 MR. SKUDRNA: Yes.
13 MR. MCCANN: Okay. Now, this photograph has the two
14 structures that you just spoke about, but it does not have the
15 tent, correct?
16 MR. SKUDRNA: Correct.
17 MR. MCCANN: In fact, that, that appears to be just a
18 patio.
19 MR. SCHMIDT: What, what's the date of that, Mr.
20 McCann?
21 MR. MCCANN: Nineteen ninety-eight.
22 MR. SCHMIDT: Nineteen ninety-eight.
23 MR. SKUDRNA: And what's the month? Do we have a
24 date or a --
25 MR. MCCANN: No.

1 MR. SKUDRNA: So, my, if it was ’98, then it was the
2 temporary tent, it was seasonal, so you’re probably looking at
3 prior to the wedding season.
4 MR. MCCANN: Wait a minute. I thought you indicated
5 there was no temporary tents from 1998 to the present, it was,
6 it was the same tent?
7 MR. SKUDRNA: Same tent from ’99.
8 MR. MCCANN: Ninety-nine, okay. So, you’re, you’re
9 looking at this aerial photograph and you see a temporary tent
10 here as opposed to a patio?
11 MR. SKUDRNA: No.
12 MR. MCCANN: What do you see here? Doesn’t that look
13 like a patio, rather than a tent? Where my marker is?
14 MR. SKUDRNA: Yeah, I can see it. Yeah, that appears
15 to be the patio.
16 MR. MCCANN: Okay, all right. So, again, this is --
17 MR. SKUDRNA: Prior, prior to the permanent tent,
18 with any other tent, you have to have it taken down once or
19 twice a year to be professionally cleaned, repaired and
20 maintained. So, typically, in the Baltimore area, the wedding
21 season for outdoor events, probably starts around, you know,
22 beginning of spring and runs perhaps through Halloween.
23 So, most venues that have an outdoor tent, if
24 temporary, even semi-permanent structure, would normally be
25 taken down some time around November 1 and cleaned and put back

1 up early --
2 MR. MCCANN: Yeah, I'm not asking about general
3 practice, I'm asking about this case. Your testimony is that
4 there was, at some point in time, a temporary tent prior to the
5 permanent structural tent being constructed in 1999, correct?
6 MR. SKUDRNA: Um hm.
7 MR. MCCANN: Okay and did you, by the way, when you
8 got that, when you installed the, the permanent structural
9 tent, did you obtain a permit from Baltimore County for that?
10 MR. SKUDRNA: Henry Lewis Contractors was the general
11 contractor that we worked with. I'm sure Henry pulled whatever
12 permits necessary. He was cus, very accustomed to working with
13 historic properties and older properties.
14 MR. MCCANN: I'm, I'm asking you if one was or not to
15 your knowledge.
16 MR. SCHMIDT: If you know.
17 MR. SKUDRNA: I don't know. To my knowledge, I can't
18 tell you definitively either way.
19 MR. MCCANN: Okay. I thought you said it was a Loan
20 Brothers tent?
21 MR. SKUDRNA: The, the tent was built in Frederick,
22 Maryland, Loan Brothers constructed it, erected it for us.
23 MR. MCCANN: And Henry Lewis did what with respect to
24 --
25 MR. SKUDRNA: Henry Lewis con, was the general

contractor. He looked at the tent. We had also talked at the time about putting up handicap restroom facilities off the tent. We had also talked about putting in a permanent larger entrance from the tent to the ballroom. We just looked at a lot of different options. We decided that those weren't reasonable at the time and went, we went with the permanent tent as opposed to looking into putting on an addition.

MR. MCCANN: Okay. I'm back on Exhibit 5. This is 2002 aerial photograph which you, in which you, I think your testimony is that this is, this white rectangular, is the permanent structural tent, right?

MR. SKUDRNA: It's grainy, but that's what it appears to me.

MR. MCCANN: All right. Let me show you exhibit number six. This is an aerial photograph from 2005. Do you see the square-ish, not rectangle, but square-ish white structure to the right or the, I guess the northeast of the mansion, do you see that?

MR. SKUDRNA: That square-ish is a warehouse that we constructed.

MR. MCCANN: I'm talking about right here.

MR. SKUDRNA: That's a warehouse.

MR. MCCANN: That's not the tent?

MR. SKUDRNA: No.

MR. MCCANN: Okay. Well, let's look at it in

comparison to the prior exhibit, Exhibit 5, and I'll blow this up to make them of equal size. I want, the record is not going to reflect what I'm pointing to, but on the righthand side of the building, this is Exhibit 5, there is a rectangular shaped white --

MR. SKUDRNA: That's the tent. Yeah, and maybe I'm looking at that picture from a different angle, but, the second picture that you showed me. That picture there, I'm looking at the tent to the right side of the mansion.

MR. MCCANN: Okay.

MR. SKUDRNA: I'm looking at the warehouse to the rear of the mansion.

MR. MCCANN: Okay. Well, I'll show that, again Exhibit 5, I'm sorry to go back and forth.

MR. SKUDRNA: Okay.

MR. MCCANN: You can actually see from the road the, the roundabout. That is, you can see the path --

MR. SKUDRNA: Yes, yes.

MR. MCCANN: -- to, okay.

MR. SKUDRNA: That's the tent, correct.

MR. MCCANN: Now, Exhibit 6, in the same location, that is catty corner to the mansion building, you can sort of almost see --

MR. SKUDRNA: Yes, yes.

MR. MCCANN: -- the path as well, and so, this, this

structure, which now is still white but square, is the tent, correct?

MR. SKUDRNA: Yes.

MR. MCCANN: That's, and it's your testimony that that's the very same tent?

MR. SKUDRNA: Yes, as far, again, I, I'm looking at these somewhat grainy photographs, but the tent was put, installed for us in 1999 and it looks like the same tent.

MR. MCCANN: Okay. I'm going to show you the next aerial photograph and this is Exhibit 7. This is an aerial photograph dated 2007. And I'm going to, do you see that?

MR. SKUDRNA: Same, yeah, same tent, same warehouse, same mansion. The only thing that's different over these photographs is the configuration of the gardens.

MR. MCCANN: Okay. Yeah, let me, answer my question, if you would, it will go a lot quicker, okay? My, my question with respect to this photograph is it, is it your testimony, or do you agree rather, that this, this white object that appears just catty corner to the mansion building with the path running to it, it's your testimony that that is the very same tent that you installed in 1999?

MR. SKUDRNA: Yes, from what I can see, yeah.

MR. MCCANN: And even though if we compare it to the prior, I'm sorry, Exhibit 5, it's a different shape, is it not, then the one in 2002?

MR. SKUDRNA: Again, these photographs are too difficult for me to comment one way or the other.

MR. MCCANN: Okay, all right. Okay. This next exhibit is, I think, have we done this one yet, the 2008? We've done this one, right? Next exhibit, bear with me one second. This would be Exhibit 10. I'll blow it out. This, and I'll zoom in, sir, but this is a re-subdivision of Phase IV of Grey Rock. You're familiar with, sort of generally speaking, how the, how the, the Grey Rock community was subdivided over a period of years in phases (inaudible) --

MR. SKUDRNA: Very much so, yes.

MR. MCCANN: Okay. This is Plat 75-140 and I'll go down to the bottom and it's dated May 15th, 2003. It's stamped, and you can see right here, and I'll blow it up a little bit, as being filed for record in July 2003, do you see that?

MR. SKUDRNA: Yes.

MR. MCCANN: Okay. So, this would have been the period of time when you still owned the mansion property, correct?

MR. SKUDRNA: That is correct.

MR. MCCANN: Okay. So, if we go over to the mansion property, do you recognize this property as being the mansion property?

MR. SKUDRNA: Yes.

MR. MCCANN: Okay and I'm going to zoom into the

mansion, do you recognize the mansion building there?

MR. SKUDRNA: Yes.

MR. MCCANN: Where my cursor is? And I'll zoom in a little more. And behind the mansion, does it not say in this 2003 plat, existing brick and slate patio?

MR. SKUDRNA: Yes.

MR. MCCANN: Okay. Okay. Next exhibit I'm going to show you is Exhibit 12. This is, I think you're familiar with this, sir, because I think it is also on, on your watch, or during your period of ownership. Are you familiar with this case from 2003 before the Deputy Zoning Commissioner?

MR. SKUDRNA: I'd have to see it, tell me what it says.

MR. MCCANN: It's a, a request to approve an amendment to the partial development plan for Grey Rock. Have you ever seen this before?

MR. SKUDRNA: Again, I would have to read it. It's got my name on it, but is that to sell off the back parcel as residential?

MR. MCCANN: Well, it speaks for itself, it is what it is. But if you recall a case back in 2003. I'll go to the bottom, which has the date, May of 2003. Does that ring a bell at all?

MR. SKUDRNA: Well, you're showing me a document that I have, the only thing that I'm anticipating or --

1 MR. MCCANN: Yeah.
2 MR. SKUDRNA: -- is that, again, when Kevin decided
3 to downzone the back of our parcel, we sold it off to Prestige
4 to build ten or eleven properties.
5 MR. MCCANN: Yeah, and those properties, I think, we
6 haven't talked about that, but those are the ones immediately
7 behind the mansion?
8 MR. SKUDRNA: Yes.
9 MR. MCCANN: Okay. So, so this, I'm going back now
10 to Exhibit 10. Let me scroll up real quick. This is the plat
11 again, these are the homes that, that, what I believe to be
12 eleven homes right behind the mansion to the northeast,
13 correct?
14 MR. SKUDRNA: Correct.
15 MR. MCCANN: Okay. But back to the decision, it
16 sounds like you have some recollection of it. But attached to
17 the decision and part of it, is the plan that was the subject
18 of that case in 2003. Do you see the mansion, this is on page
19 four of the exhibit. Do you see the mansion there?
20 MR. SKUDRNA: Yes.
21 MR. MCCANN: Okay and do you see behind or to the,
22 I'm sorry, to, I guess to the east, or to the right of the
23 mansion, there is that same patio area as opposed to a tent, do
24 you see that?
25 MR. SCHMIDT: Objection. That's not what it says. I

1 think that's a misrepresentation, Mr. McCann. I mean, there's,
2 there's a couple of things. It doesn't say patio. I mean,
3 more importantly, this is a --
4 MR. MCCANN: Well, we don't need to testify, Mr.
5 Schmidt.
6 MR. SCHMIDT: Let me finish. I'm not. I'm making an
7 objection. More importantly, this is a plan and by its very
8 own terms, that is for the residential subdivision, which is
9 adjacent to the mansion property. So, what it shows on the
10 mansion property, I, I mean, it doesn't say patio. You just
11 said it says patio.
12 MR. MCCANN: Well, two things, --
13 MR. SCHMIDT: It doesn't say that.
14 MR. MCCANN: Two things, --
15 CHAIR: Let, let, let me interrupt. So, it is a site
16 plan, it is what it is. And it says what it says. And it has
17 some probative value, it's not overwhelmingly probative, so you
18 object to that, the objection is overruled. But, let's move
19 on.
20 MR. SKUDRNA: I mean, I would, I would say it doesn't
21 show the tent but, but it also doesn't show the proper parking
22 lot either. So, it's really --
23 CHAIR: It's not a site plan for the property in
24 question, okay?
25 MR. SCHMIDT: Right.

1 CHAIR: We, we, we get that, we understand that.
2 Okay? That's not a reason to, that it's un, that's not a
3 reason that it's inadmissible, okay? It, it goes to the weight
4 that one would devote to it, and we get that, okay? So, it's,
5 it's admissible --
6 MR. MCCANN: Well, it is the subject of the decision,
7 just for your, I understand your ruling, Mr. Evans. But the,
8 the mansion is the subject --
9 CHAIR: Well, I ruled in your favor, I ruled in your
10 favor, so let's --
11 MR. MCCANN: No, just, I'm just clarifying, just so
12 you understand that, that once read, you'll see what it's
13 worth, what, what it pertains to.
14 CHAIR: Okay, that's fine. That's fine, that's fine.
15 MR. MCCANN: And I, I won't belabor it more than
16 that. I asked you, sir, about whether a permit was pulled for
17 the, the permanent structural tent that you said was
18 constructed in 1999. Did you, do you know whether or not
19 electrical permits were pulled for that structure if, in fact,
20 it was constructed back then?
21 MR. SKUDRNA: I do not know.
22 MR. MCCANN: You mentioned an agreement with the
23 Valleys Planning Council, and I want to show you what is
24 marked, has not been marked yet, but what I would introduce as,
25 marked and introduced as Protestant's Exhibit 19. I'm sorry,

1 not this exhibit. The first one, seventeen, which I haven't
2 pre-marked. Let me scroll up to the top. Do you see that,
3 sir?
4 MR. SKUDRNA: Yeah.
5 MR. MCCANN: It says restrictive covenant agreement
6 between --
7 MR. SKUDRNA: Yep.
8 MR. MCCANN: -- Grey Rock, Grey Rock, Inc., Valleys
9 Planning Council and the Bank of Baltimore and Gary Blum and
10 Henri Squitieri. Do you see that?
11 MR. SKUDRNA: Yes.
12 MR. MCCANN: Is this, is this an agreement, or the
13 agreement that you were referring to?
14 MR. SKUDRNA: I'm familiar with that agreement.
15 MR. MCCANN: Yeah. Okay and, well, I take it when
16 you say you, you're presently familiar with it, were you
17 familiar with it at the time of your ownership of the property?
18 MR. SKUDRNA: Yes.
19 MR. MCCANN: Okay. So, just a couple things about
20 this. There's a provision in this agreement, scrolling down,
21 page six of the exhibit, which is seventeen. And I'll just
22 read number nine to you. No building or paving for parking
23 shall be constructed within the area designated as "Restricted
24 Building Area #1" on Exhibit C. Did I read that correctly?
25 MR. SKUDRNA: Yes.

MR. MCCANN: Okay. So, let's go to Exhibit C. And before I do that, I'll read ten. No building shall be constructed within the area designated as "Parking Only" on Exhibit C. However, paving for parking shall be allowed. And then number eleven, Grey Rock shall preserve the "View Corridor" as designated in Exhibit C. Appropriate landscaping may be added. Did I read each of those provisions correctly?

MR. SKUDRNA: Yes, and we did pull permits when we built the warehouse onto the north side of the building.

MR. MCCANN: Okay and we'll get to that in a moment. Let's just go to Exhibit C for now.

MR. SCHMIDT: Mr. Evans, I'm not trying to shortcut Mr. McCann, well, maybe I am, but obviously, I mean, this case is a zoning case before the Board of Appeals and not a case involving the enforcement of a covenant if there's been an alleged breach. I don't know where Mr. McCann is going --

CHAIR: Well, we, we don't know where he's going with this. So, let's see, let's see what his question is.

MR. SCHMIDT: Okay.

MR. MCCANN: So, it is, it is the last page of this exhibit, for the record, page fifteen of fifteen. This is Exhibit C. It's titled such, somewhere. (inaudible). Well, this is, it may not actually say C. But it has, if you, it has, if you, I'll zoom in it, sir. It says restricted building area number one, do you see that?

MR. SKUDRNA: Yes.

MR. MCCANN: Okay and that's the area to the east, or to the right side of the mansion, correct? You recognize the mansion structure there?

MR. SKUDRNA: Yes.

MR. MCCANN: Okay and do you recognize this area that says, on the lefthand side of the plat or plan, it says parking only. Do you see that?

MR. SKUDRNA: Yes.

MR. MCCANN: And then, just above that, it says view corridor, do you see that?

MR. SKUDRNA: Yes.

MR. MCCANN: Would you agree with me that, given your familiarity with the mansion, that the permanent tent structure is within this restricted building area number one?

MR. SKUDRNA: Yes.

MR. MCCANN: Would you agree with me that the parking, as it exists today, and as was constructed during the terms of your ownership, exists in this area called, labeled in this plan as view corridor, would you agree with that?

MR. SKUDRNA: That is where that house was that was demolished. You're looking at existing structures need to be removed. Those (inaudible) removed, so we had to do something when those properties were removed.

MR. MCCANN: Yeah, I'm not talking about the existing

structures to be removed, the building envelopes. I'm talking on the lefthand side here, where it says view corridor, is that not where, at least, you know, some portion if not a significant portion of the parking associated with the, the mansion is located?

MR. SKUDRNA: I couldn't really comment from looking at that map.

MR. MCCANN: Okay.

MR. SKUDRNA: That drawing.

MR. MCCANN: All right. Just a couple more things. Bear with me.

MR. SKUDRNA: I know that when the property was downzoned, that building envelope was changed. Again, I'm not an attorney, I'm not a zoning attorney, so I don't know how all that came into play. But I know that we were basically told we were going to downzone the back two acres of parcel to residential, you do whatever you want to do with the mansion. That was basically the, the shortened, the short and sweet of it.

MR. MCCANN: Okay. I asked you about the permitting for the tent structure. Let me just show you what's been marked as Protestant's Exhibit 15. Sorry, not fifteen. Fourteen. Bear with me one second. Okay. This is a thirteen-page document, the first page of which is a My Neighborhood map. Do you recognize this structure where my pointed, where

my, my pointer is as the mansion?

MR. SKUDRNA: Yes.

MR. MCCANN: Okay. Have you ever looked at this kind of map before, sir?

MR. SKUDRNA: No.

MR. MCCANN: No, okay. And I'll represent to the Board this is, obviously, a printout of a My Neighborhood map. The first page. The remaining pages are a printout of the County's permit open data, open data per portal, permit system. I just have a question about the one permit that's reflected in here and I'll go down to page four. Blow it up. Do you see that, sir? Can you read that well enough?

MR. SKUDRNA: Yes.

MR. MCCANN: Okay. So, it has a, an application date and an issuance date there of November and December 2002. Do you recall submitting a building application for a building permit with respect to an addition to the mansion building back around that time?

MR. SKUDRNA: That would be the warehouse to the north end of the building.

MR. MCCANN: Yeah, not, not the two buildings to the, that we spoke about earlier that were removed, but rather --

MR. SKUDRNA: A permanent structure.

MR. MCCANN: Yeah.

MR. SKUDRNA: Catering warehouse on the north side of

1 the building, yes.
2 MR. MCCANN: Okay. So, let me just, there's a, I had
3 to print these out separately because it was a scroll down.
4 So, I'm going to go to the next page. This is page five of
5 Exhibit 14. Under description of work, it says construct one
6 story addition, utility shed on rear of existing caterer's
7 building. Do you see that?
8 MR. SKUDRNA: Yes.
9 MR. MCCANN: Nine hundred sixty square feet?
10 MR. SKUDRNA: Yes.
11 MR. MCCANN: So, that's the, the addition that you
12 just described?
13 MR. SKUDRNA: A catering warehouse, yes.
14 MR. MCCANN: Okay and just, maybe I'll find an
15 exhibit that you can describe where that is, I'm going back to
16 just Exhibit 10, for instance. Maybe that's not the best
17 exhibit. Yeah, go to Exhibit 8, which is an aerial photograph
18 from 2008. The warehouse that we're talking about, could you
19 do tell us which, is it this gray building back here at the
20 top?
21 MR. SKUDRNA: Yes, yes, it is.
22 MR. MCCANN: Okay. That's the, the additional
23 warehouse?
24 MR. SKUDRNA: Um hm.
25 MR. MCCANN: All right. (inaudible) it, just bear

with me one second. All right, I have another question. Let me show you Exhibit 15. Do you, again, do you recognize the property, subject property?

MR. SKUDRNA: Yes.

MR. MCCANN: Okay. Are you familiar with, this is a GIS map from My Neighborhood, of course. And there's a reference here to utility easement. Are you familiar with any utility easements that cross the property at any, at any point in time?

MR. SKUDRNA: No.

MR. MCCANN: You weren't familiar with that fact?

MR. SKUDRNA: No.

MR. MCCANN: Did you ever, during the term of your ownership, did you ever obtain permission from Baltimore County to pave over the area of the utility easement?

MR. SKUDRNA: Again, I'm not familiar --

MR. SCHMIDT: Again, I'm going to object --

CHAIR: (inaudible) understand the relevance myself, but please, Mr. McCann, just wrap this up on this, on these points because they seem far afield, frankly.

MR. SCHMIDT: Sure do.

CHAIR: I mean, maybe, maybe, I, I'm, I'm indulging the, the notion that you're going to tie this all together.

MR. MCCANN: Yeah.

CHAIR: Okay? But, okay, --

MR. MCCANN: Yeah, well, it speaks for itself. So, I'll move on from it.

CHAIR: Okay.

MR. MCCANN: And make sure I don't have anything else. And I do not.

CHAIR: Okay.

MR. MCCANN: Thank you, sir.

CHAIR: All right. Do the Board members have any questions?

MR. LAUER: I just have two quick ones, if I might. Did the neighbors, your neighbors ever complain when you built the new structure in 1999, the tent?

MR. SKUDRNA: No, other than the fact that when we first took over the property in '96, the neighbors and Valley Catering, Barbara Flecker, worked very loosely. They didn't have a lot of things in writing.

For example, it was a different time period, I guess. Barbara allowed Grey Rock Flats, Grey Rock Villas and Grey Rock Maintenance Corporation to, to have their, to have their meetings and things inside the mansion. She never charged them anything for that. And she was just old school. She would say I'm going home, when you guys are done, lock the building up.

We couldn't really operate a business like that so we tried to be good neighbors and we said look, we'll still allow you to have your meetings here, but it requires us to have an

employee here just to keep an eye on the building, make sure there are no issues, we'll charge you a modest fee, $50, I think it was, to have your meetings here.

And some of the Board took offense to the fact that we wanted to charge them to use the building. We were always told from the very beginning when I met with Dutch --

MR. LAUER: Excuse me, sir.

MR. SKUDRNA: -- when I met with --

MR. LAUER: Excuse me, hold on, hold on. Excuse me. Just, if you could, --

MR. SKUDRNA: Yes, sir.

MR. LAUER: -- ever complain about the tent being built?

MR. SKUDRNA: Oh, no, sir.

MR. LAUER: That, that's really where I was going. Second question. Did, was there ever a case filed against you, your company, the owner, as you were the owner, for a violation of the restrictive covenants?

MR. SKUDRNA: No, no, sir.

MR. LAUER: Thank you. That's all I have, Mr. Chairman.

CHAIR: Thank you. Mr. Pennington?

MR. PENNINGTON: I just, I actually do have one question. Mr. Skudrna, the, it looks like from the aerial view from the 2002, was there ever a time, it looks like there's a

gap between the tent and the building. Was there ever a time when there was a gap there but then it was covered to make it like a seamless transition between the, the building and the tent? Looks like there was a gap between the tent and the building and then the following picture there was no gap.

MR. SKUDRNA: No, the only thing I can remember is like a rain guard being put up.

MR. PENNINGTON: Okay.

MR. SKUDRNA: Because again, it was a great structure, but prior to the rain gutter going up, you know, if you have a really heavy rain or something, guests could get wet going from the mansion into the tent. And I think they constructed like a bladder, I think they called it to prevent rain from penetrating that area.

MR. PENNINGTON: Okay, that’s all I have.

CHAIR: Mr., Mr. Schmidt, do you have any re-direct?

MR. SCHMIDT: I do not.

CHAIR: Okay. Okay. Well, then I think the witness is excused then.

MR. SKUDRNA: Thank you.

CHAIR: Okay. It’s now 1:09 p.m. Should we break for lunch now? Is, I take it you have Mr. Richardson and that’s it?

MR. SCHMIDT: Mr. Richards and that’s it, yeah.

CHAIR: Mr. Richards and that’s it. And that’s, that

you think is an hour?

MR. SCHMIDT: Yeah, that's what I would guess, Mr. Evans.

CHAIR: Okay.

MR. SCHMIDT: With cross.

CHAIR: All right. Well, let, it's, it's 1:09. We'll, how about if we come back at 1:40, okay? Can we do that? Will that suit everyone's needs?

MR. MCCANN: Sounds good.

MR. SCHMIDT: Sure, we ordered some quick lunch, it'll let everybody go to the bathroom, gobble something and we'll be back at 1:40.

CHAIR: Right, right. We'll be back at 1:40. Thank you, all.

MR. SCHMIDT: Thank you.

MR. MCCANN: Thank you.

CHAIR: We're going off the record.

(PAUSE)

CHAIR: Okay. We're, we're back on the record and I believe that we're ready, Mr. Schmidt, to call Mr. Richards?

MR. SCHMIDT: Yes. So, my next witness would be Carl Richards and he's seated here to my left. If Mr. Lauer wants to swear him in.

MR. LAUER: Yes, please raise your right hand. Do you swear and affirm under the penalty of perjury, the

testimony you're about to give is true and correct to the best of your knowledge and belief?

MR. RICHARDS: Yes, Your Honor.

MR. SCHMIDT: Okay, okay.

MR. LAUER: And please give us your name for the record, and your business address, please.

MR. RICHARDS: My, I'm retired, Webster Carl Richards, Jr., 4610 Schenley Road, Baltimore, Maryland 21210.

MR. SCHMIDT: Okay. Mr. Richards, you've indicated you are retired at the present time. But previously, where did you work?

MR. RICHARDS: I worked for Baltimore County in the Zoning Office.

MR. SCHMIDT: And when did you start working in the Baltimore County Zoning Office?

MR. RICHARDS: Nineteen sixty-six.

MR. SCHMIDT: And from 1966, what was the time of your retirement?

MR. RICHARDS: In '21.

MR. SCHMIDT: So, you worked for the Baltimore County Zoning Office for fifty-five years?

MR. RICHARDS: Almost, yes.

MR. SCHMIDT: Okay and during that time, can you tell us briefly what you did in the Baltimore County Zoning Office?

MR. RICHARDS: Well, for thirty years of it, I was a

zoning supervisor, after Jim Dyer (phonetic) left in 1991. And as a zoning supervisor is where I got most of my experience. But, you know, it was, it was a good time. I mean, you know, I can remember back (inaudible) not too many people around here can.

MR. SCHMIDT: Okay.

MR. RICHARDS: But --

CHAIR: Except for his parole officer.

MR. RICHARDS: Go ahead.

CHAIR: I'm sorry, go ahead.

MR. SCHMIDT: Go ahead, Mr. Richards.

MR. RICHARDS: But, you know, the Zoning Office, I just enjoyed helping people. I enjoyed dealing with the regulations. I enjoyed finding alternate solutions to many people's problems.

MR. SCHMIDT: Okay.

MR. RICHARDS: And many times, there is an alternate solution and it's not just black and white.

MR. SCHMIDT: And Mr. Richards, during your time as zoning supervisor, did, were you called upon to sometimes testify before either the Administrative Law Judge or the Board of Appeals?

MR. RICHARDS: I was, would testify before the Zoning Commissioner, later became the ALJ, the Board of Appeals and also the Circuit Court.

MR. SCHMIDT: And were you accepted during those occasions as an expert witness in the field of the Baltimore County zoning regulations and their application?

MR. RICHARDS: Yes, I was.

MR. SCHMIDT: Okay and since your retirement, have you served, on occasion, as a consultant and testified before either the ALJ or the Board or both?

MR. RICHARDS: Not the Circuit Court, but the ALJ and the Board, yes.

MR. SCHMIDT: Okay and have you been accepted as an expert witness insofar as the Baltimore County zoning regulations, as a consultant?

MR. RICHARDS: So, far.

MR. SCHMIDT: Okay. I would offer him based on his, Mr. Evans, he's the only person I know that's with, been with Baltimore County for sixty-five years. I, so, --

CHAIR: Fifty-five years.

MR. SCHMIDT: Fifty-five years, I'm sorry, it's still a long time. So, I would offer him. He's actually going to be a fact witness and also testify about the applicable regulations in this case.

CHAIR: All right. Mr. McCann, do you have any objection?

MR. MCCANN: I do not, thank you.

CHAIR: Okay, all right. Mr. Richards is accepted as

1 an expert in the areas so designated.
2 MR. SCHMIDT: Thank you. Mr. Richards, you've also,
3 in addition to being a zoning expert, how long have you lived
4 in Baltimore County?
5 MR. RICHARDS: Oh, actually, I'm in north Baltimore
6 City.
7 MR. SCHMIDT: Oh, you're in the city?
8 MR. RICHARDS: Yes.
9 CHAIR: Yes, Schenley Road is in Baltimore City.
10 MR. RICHARDS: I have, but I have property in
11 Baltimore County and I'm very interested.
12 MR. SCHMIDT: Okay. As a, let me ask you this. As a
13 fact witness, have you ever been to the Grey Rock Mansion
14 property?
15 MR. RICHARDS: Many times.
16 MR. SCHMIDT: Okay. Can you take us back to when you
17 first went there, if you remember when it was or about when it
18 was?
19 MR. RICHARDS: Well, when I first went there, it was
20 probably back in the sixties. My grandfather showed me a
21 shortcut between Reisterstown Road and Park Heights Avenue, and
22 he actually used it, because he worked for the Suburban Club
23 and went back and forth. And I didn't want to use Hooks Lane
24 or the beltway to get from one to the other and I went through
25 the Trinitarians property.

1 MR. SCHMIDT: Okay and did there come a time that you
2 went to the property for any social or catered events?
3 MR. RICHARDS: Later on, yes.
4 MR. SCHMIDT: And when was that?
5 MR. RICHARDS: That was probably in the eighties.
6 MR. SCHMIDT: Okay.
7 MR. RICHARDS: Mid to early eighties and I had a
8 girlfriend that was the, in charge of the perfume counter at
9 Macy's and Bamberger's, when it used to be Bamberger's.
10 MR. SCHMIDT: Now you are taking us back.
11 MR. RICHARDS: And, and she, she was always going to
12 all the Macy's functions. And when Macy's would have a party,
13 she would invite me.
14 MR. SCHMIDT: Okay and where were their parties?
15 MR. RICHARDS: Several of those times, it was at the
16 Grey Rock.
17 MR. SCHMIDT: Okay and did you go inside the mansion
18 at that time?
19 MR. RICHARDS: Went inside, went outside, saw the
20 cook in the backroom and, and, you know, it was a beautiful
21 place.
22 MR. SCHMIDT: Okay.
23 MR. RICHARDS: It was a beautiful place.
24 MR. SCHMIDT: And this was, you believe, during what
25 time frame?

MR. RICHARDS: I would say in the eight, late eighties.

MR. SCHMIDT: Okay.

MR. RICHARDS: Yeah.

MR. SCHMIDT: And, and if you can, have you been there since the eighties?

MR. RICHARDS: Yes.

MR. SCHMIDT: How often, how often or tell us when.

MR. RICHARDS: Not every single year, but, you know, I've gone to --

MR. SCHMIDT: Is that you?

MR. RICHARDS: -- political, it might be.

MR. SCHMIDT: (inaudible), okay. I'm sorry, Mr. Evans.

MR. RICHARDS: I've been to political fundraisers and weddings and just general parties there.

MR. SCHMIDT: Okay.

MR. RICHARDS: And not every year, but I've been there, you know, several times. I don't have the same girlfriend and Macy's isn't there anymore, but I've been to other functions there.

MR. SCHMIDT: Okay. When you were there back in the eighties and nineties, was there a tent in the yard?

MR. RICHARDS: The first time I went, I don't think there was a tent, but there was seating outside and we sat

outside because it was such a hot day. And it was a nice summer day with a beautiful garden, and I had a pretty girl with me, so those things you kind of remember.

MR. SCHMIDT: Okay.

CHAIR: What, what year was that? What, what are you talking about?

MR. SCHMIDT: What timeframe?

CHAIR: Yeah, what timeframe?

MR. RICHARDS: What timeframe?

MR. SCHMIDT: Um hm.

MR. RICHARDS: I'd say mid-eighties.

MR. SCHMIDT: Okay. Did you go there during the 1990s?

MR. RICHARDS: Yes.

MR. SCHMIDT: How often?

MR. RICHARDS: Maybe four or five times at least, you know, --

MR. SCHMIDT: During that decade?

MR. RICHARDS: Yes, yes.

MR. SCHMIDT: Okay and how about since the year 2000? Have you been out there?

MR. RICHARDS: I think I've been out there once since 2000.

MR. SCHMIDT: Okay.

MR. RICHARDS: Yeah.

MR. SCHMIDT: Okay.

MR. RICHARDS: My, most of my memory is older, like in the eighties and nineties.

MR. SCHMIDT: Okay and at that time, where did, where did you park when you went out there?

MR. RICHARDS: Well, I parked right near the building there where there is a couple rows of parking.

MR. SCHMIDT: On the side of the building?

MR. RICHARDS: On the side of the building, yes.

MR. SCHMIDT: Okay. Let me ask you, Mr. Richards, the zoning of the property today is, is what, what combination?

MR. RICHARDS: Well, today it's BR and 3.5.

MR. SCHMIDT: DR-3.5?

MR. RICHARDS: DR-3.5

MR. SCHMIDT: Okay and is the commercial activity, the catering facility, a permitted use by right in the, in the BR, business roadside zone?

MR. RICHARDS: Absolutely.

MR. SCHMIDT: Okay. Is the catering or any activity associated with the catering permitted in the DR-3.5 zone?

MR. RICHARDS: No.

MR. SCHMIDT: Okay. Tell us, Mr. Richards, what is a non-conforming use?

MR. RICHARDS: It's for the want of a better word, and in other subdivisions they call it a grandfather use.

MR. SCHMIDT: Okay.

MR. RICHARDS: It's a use that can continue and not change and not be vacant for a year or more and that doesn't change from the first time it was established, when it was legal, to the current status where it would be illegal to begin a new use.

MR. SCHMIDT: Okay and that would be, for example, if the zoning of a property had changed?

MR. RICHARDS: Yes.

MR. SCHMIDT: A property, the use, the underlying use could be grandfathered in?

MR. RICHARDS: Yes, it could be.

MR. SCHMIDT: Okay. Now, you indicated that catering facility is permitted by right in the BR and not permitted in the DR-3.5, right?

MR. RICHARDS: Correct.

MR. SCHMIDT: And that would be the case for any activity associated with the catering facility parking, etcetera?

MR. RICHARDS: Yes.

MR. SCHMIDT: Okay.

MR. RICHARDS: Any, any part of the use.

MR. SCHMIDT: Any part of the underlying use, okay.

MR. MCCANN: Excuse me, excuse me. Mr. Evans, can, can we try to avoid the leading questions? Mr. Richards is

1 certainly capable of, I know you're trying to speed things
2 along, I just want to say something now --
3 MR. SCHMIDT: Okay.
4 CHAIR: Okay.
5 MR. SCHMIDT: I apologize. Mr. Richards, I'm going
6 to show you an exhibit that's been pre-marked, which is this
7 exhibit on the board, which is a two-page site plan from, I'm
8 going to enlarge this so everybody can see it a little bit
9 better. And this is exhibit, exhibit number six, which was
10 offered below as well. And Mr. Richards, have you seen that
11 site plan before?
12 MR. RICHARDS: Yes, I reviewed it, yes.
13 MR. SCHMIDT: Okay and this plan, can you tell this,
14 tell us what this is, if you can (inaudible) that?
15 MR. RICHARDS: Well, it's the first amended
16 development plan of Grey Rock Phase I.
17 MR. SCHMIDT: Okay.
18 MR. RICHARDS: And it amends the plan, and this is
19 done in '94, and it amends the plan that Jim Dyer approved, the
20 original plan, in 1991.
21 MR. SCHMIDT: Okay. Does this have a note on it,
22 specifically note number eleven, which sort of outlines the
23 history of the development of the residential community of Grey
24 Rock?
25 MR. RICHARDS: Yes, yes.

MR. SCHMIDT: And is that, I think that speaks for itself, but is it indicated when the original, initial approval for the Grey Rock was approved?

MR. RICHARDS: Yes.

MR. SCHMIDT: When, when was that?

MR. RICHARDS: February 14th, '91.

MR. SCHMIDT: Okay and was the entire site of Grey Rock approved at that time or only a part?

MR. RICHARDS: It was the part they were putting the new dwellings in.

MR. SCHMIDT: Okay.

MR. RICHARDS: You know, and but they, they needed a plan, and this was the plan. It just happened to include the original property of Grey Rock on the plan.

MR. SCHMIDT: Okay and it indicates, I think, on here that it was approved by the CRG. What's the CRG?

MR. RICHARDS: The County Review, Review Group. And they, it's a development function by (inaudible), people from the approval agencies, which send a representative to the review group, and they would approve the development.

MR. SCHMIDT: Okay, okay. Now, Mr., Mr. Richards, does this plan show, trying to get to the right page, page one.

MR. RICHARDS: Yeah.

MR. SCHMIDT: Does this plan show the zoning of the subject property as it existed in 1994 when, when this plan was

approved?

MR. RICHARDS: Yes, I believe it does show the original BM and BR zone.

MR. SCHMIDT: Okay and so, I'm drawing your attention, Mr. Richards, hate doing this remotely, to that area of the plan where my cursor is. And does it identify where the Grey Rock Mansion is located?

MR. RICHARDS: Yes, it does.

MR. SCHMIDT: So, in 1994, when this plan was submitted and approved, what was the zoning of the area on which, of land on which the mansion was located?

MR. RICHARDS: Well, the mansion, the parking, gazebo and the lawn and the garden out front was all commercial.

MR. SCHMIDT: Okay.

MR. RICHARDS: It was either BM or BR.

MR. SCHMIDT: Okay. Now, you've indicated, well, let me stop you there. What's BR?

MR. RICHARDS: Business roadside and it's a hairier zone than what's necessary for catering would be permitted in the BM. But for some reason, they made it a BR zone.

MR. SCHMIDT: Okay. Is the, is catering permitted in the BM?

MR. RICHARDS: Yes.

MR. SCHMIDT: Is it permitted in the BR?

MR. RICHARDS: Yes.

MR. SCHMIDT: Okay. So, it appears to me that the zone line for this property was immediately adjacent to the Grey Rock Mansion, is that correct?

MR. RICHARDS: Um hm, yes.

MR. SCHMIDT: Okay. So, the mansion building itself was zoned what?

MR. RICHARDS: Well, the actual building itself here looks like it's zoned BR, but the rest of the property, including the overflow parking is BM.

MR. SCHMIDT: Okay and the parking and, I think you indicated would be permitted in both zones.

MR. RICHARDS: Um hm.

MR. SCHMIDT: And is, can you tell us where on the drawing the overflow parking, the, the second lot is located?

MR. RICHARDS: Down where it says Phase IV.

MR. SCHMIDT: Okay.

MR. RICHARDS: It's like an overflow parking lot. I think that's, that's where it is.

MR. SCHMIDT: Okay. So, Mr. Richards, as of 1994, was the Grey Rock, use of the Grey Rock property, as shown on this plan from 1994, including the lawn area, the building, the mansion and the parking areas, was it zoned to permit a catering facility at that time?

MR. RICHARDS: Yes, it was. I believe the '91 plan showed it a little better.

MR. SCHMIDT: Okay. We, we may have that as well. Mr. Evans, these are all plans from --

MR. RICHARDS: That's it.

MR. MCCANN: Larry, I really need the exhibits.

MR. SCHMIDT: They're, well, you've got them from the first hearing, Mr. McCann. But I'm happy to send them to you again. I'd like to get your exhibits as well.

MR. MCCANN: Well, yeah, all the exhibits, please, and I'll send them.

MR. SCHMIDT: Okay. You, you mentioned a, a, a, a prior version of the Grey Rock CRG plan.

MR. RICHARDS: And that's this right here.

MR. SCHMIDT: Okay and what's the date of this?

MR. RICHARDS: This is a '91 plan approved by Jim Dyer.

MR. SCHMIDT: Okay and again, does this plan show --

MR. RICHARDS: The original zone lines, yes.

MR. SCHMIDT: Okay and I'm just trying to find that because I've had to --

MR. RICHARDS: There it is.

MR. SCHMIDT: -- expand it. And was the zoning the same in 1991 that it was in 1994 as you previously testified?

MR. RICHARDS: It appears to be but it, it just was easier for me to see it on this plan, an original.

MR. SCHMIDT: Okay and the zoned line, as indicated

is this dashed line?

MR. RICHARDS: Um hm.

MR. SCHMIDT: Okay.

MR. RICHARDS: Um hm, both dashed lines.

MR. SCHMIDT: The dashed line, okay. Now, Mr. Richards, did, did there come a time when the zoning of the Grey Rock Mansion property changed?

MR. RICHARDS: Yes, back in 2000.

MR. SCHMIDT: Okay and I'm going to show you an exhibit, I think Mr. McCann has offered this in one of his exhibits, but it's my Exhibit 7-A and it's a copy of an Order in case 03-477-SPH. And does that indicate on page two when the zoning of the Grey Rock Mansion property occurred? And I'm highlighting it for you, Mr. Richards.

MR. RICHARDS: I think it does, 2000 comprehensive zoning process.

MR. SCHMIDT: Okay and similarly, I'm going to show you an exhibit which we have pre-marked as, let me expand that if I can, which is taken from the County My Neighborhood records, it's a public document.

MR. RICHARDS: Issues.

MR. SCHMIDT: Does that identify issues in the 2000 zoning map process?

MR. RICHARDS: Yes, it does.

MR. SCHMIDT: And under issues --

CHAIR: What's this exhibit number? What's the exhibit number?

MR. SCHMIDT: This is exhibit number ten, Mr. Evans.

CHAIR: Okay.

MR. SCHMIDT: Does this indicate an exhibit, I'm sorry, an issue for rezoning in 2000 for the subject property?

MR. RICHARDS: Issue 2-067, yes.

MR. SCHMIDT: Okay. So, Mr. Richards, based on this, what would be the relevant date for the Board of Appeals to have to consider in determining whether the operation on the entire property, including the parking and the lawn, etcetera, is, is grandfathered --

MR. RICHARDS: Probably December 2000.

MR. SCHMIDT: Okay and that would be when the zoning --

MR. RICHARDS: That's when the maps --

MR. SCHMIDT: Maps were adopted in December of 2000.

MR. RICHARDS: Yes, Planning actually, the Planning Board recommended that the zoning stay the same, but I think it was Councilman Kamenetz changed that.

MR. SCHMIDT: Okay, okay. I would offer that as exhibit number ten. And that's not one of the ones that was offered below, Mr. Evans. It's the log of issues from the 2000 CZMP.

CHAIR: Okay. That's, that's admitted.

MR. SCHMIDT: Okay, okay. Now, Mr. Richards, if I can, let, let me ask you about, about the, the use and, and the way the non-conforming, in your, in your judgment, non-conforming grandfathering works. You've described that a little bit in, in terms of its grandfathering. In, in, there's been a, you, you've been at the hearing all day here today?

MR. RICHARDS: Yes.

MR. SCHMIDT: You've heard the testimony about the tent?

MR. RICHARDS: Yes.

MR. SCHMIDT: In your judgment, does the existence of the tent, either the same tent or a different tent, have any impact on whether this is a non-conforming use?

MR. RICHARDS: My interpretation is that the tent is immaterial to the issue.

MR. SCHMIDT: Why is that?

MR. RICHARDS: Because the use is an issue. And if the use is in a twenty mile an hour tent or in a hundred and fifty mile an hour tent, or if it's an open patio, or it's a gazebo or if it's chairs in the lawn, the use is what zoning considers part of the principal use.

And as such, regardless of what kind of coverage you put over it, whether it's a permanent building, whether it was called a, a permanent tent, I think it's hard to, a flexible structure, to be a permanent building as defined in Baltimore

1 County.
2 But regardless, we're looking at the land area, we're
3 looking at the land use. There's a lot of land uses that
4 aren't temporary or permanent buildings that are grandfathered
5 in Baltimore County. So, all the discussion about what kind of
6 tent, you know, when was the flimsy tent, when was a more
7 sturdy tent, to me, it's immaterial to the issue.
8 MR. SCHMIDT: And that's because the land was used as
9 a catering facility?
10 MR. RICHARDS: The land, the land, not the coverage.
11 But the land.
12 CHAIR: So, Mr. Richards, this is what I was
13 wondering about over, over lunch. There would be no problem if
14 they erected a tent for each venue, each event and then took it
15 down and then erected it again for the next event. That,
16 that's no different than having the permanent tent, correct?
17 MR. RICHARDS: Whether it's permanent or temporary, I
18 don't think either one --
19 CHAIR: It doesn't matter, right, right.
20 MR. RICHARDS: (inaudible) necessary, you know.
21 CHAIR: All right, all right.
22 MR. RICHARDS: To determine. If non-conforming goes
23 with the land, I don't think the coverage has any bearing on
24 whether it's non-conforming or not.
25 CHAIR: Right. You're saying that the non-conforming

use, so to speak, or, not so to speak, the, the actual, literal non-conforming use is used, is actually not relevant, because what they've been doing is using the patio as, for, for catering. Right.

MR. RICHARDS: And the gazebo, and the lawn. When I was there, I was out on the lawn, I wasn't even in the gazebo sitting at a table once.

CHAIR: All right. Right. Okay.

MR. RICHARDS: And, and I know at certain times of the year, they may not have had the tent, but I think they have a more permanent tent there now than before. But I don't think that's as big an issue as where it was the use.

CHAIR: Okay.

MR. SCHMIDT: You were there, the use was outside the building and in the building?

MR. RICHARDS: The use was both, on the patio, on the lawn, in the gazebo, that's where it was because I went to a couple of functions there that were pretty crowded. So, you couldn't find a seat in the tent, you know, there, there wasn't a space in the tent for you to sit.

CHAIR: And so, the zoning, the zoning for the patio, for the stone and slate patio, that's DR-3.5?

MR. SCHMIDT: Yes.

MR. RICHARDS: Yeah.

CHAIR: Okay, all right.

MR. SCHMIDT: If, Mr., maybe I'll show the site plan --

CHAIR: No, that's okay. You don't have to, you don't have to do that. I just want to make sure, so the, the question really isn't whether the tent pre-existed in 2000 --

MR. RICHARDS: Originally, originally the (inaudible).

CHAIR: -- the question is whether the catering was pre-existing --

MR. SCHMIDT: Yeah.

CHAIR: -- to year, the year 2000, right?

MR. SCHMIDT: And Mr. Rich, Mr. Evans, I'm not going to answer for the witness, but this is the site plan that's submitted. And just so the Board can understand what they're looking at. You, you can see that the DR zone line and the BR zone line cuts right through the tent and then this is the area of the lawn.

CHAIR: Right, okay.

MR. SCHMIDT: Just so you're clear what you're looking at.

CHAIR: So, part, part of the patio is BR and part is DR-3.5?

MR. SCHMIDT: Exactly.

CHAIR: Okay.

MR. SCHMIDT: Why they drew the zone line there, I

can't even begin to imagine.

MR. RICHARDS: When they did the map in 2000, they ignored the use when they put that zone line on there.

CHAIR: Okay. For some un, inexplicable reason they ignored the use.

MR. SCHMIDT: Right.

CHAIR: Right, okay.

MR. MCCANN: Since we're, since we're talking freely about it, Mr. Schmidt, are you suggesting that this rectangular thing behind the house, I mean, to the right of the mansion, that is, represents the tent?

MR. SCHMIDT: I believe it represents the tent and/or the patio. I mean, that's the, the area, right, right here.

MR. MCCANN: That's, okay.

MR. SCHMIDT: But it's clearly right in the middle as, as is the parking lot. You can see the zone line is, cuts, cuts the parking lot and part of it is zoned DR-3.5 and part of it's zoned BR.

CHAIR: Hm, okay.

MR. SCHMIDT: And, and that's, and I, I don't want to testify, I'm sorry. I'm just trying to make it clear. It's so hard when we're remote like this to, to share exhibits without them being in front of all of us.

CHAIR: Okay.

MR. RICHARDS: It, it was obvious to me when I first

1 looked at this plan, that in 2000, they just, well, the
2 Planning Board recommended that the, they keep the zoning that
3 they had. But Kamenetz, as the Councilman, cut back the zoning
4 and ignored the existing uses.
5 MR. SCHMIDT: That, and created a non-conforming use.
6 MR. RICHARDS: And created a non-conforming use when
7 he did that.
8 CHAIR: Okay.
9 MR. SCHMIDT: Okay. Let me change gears, if I can,
10 Mr. Richards. Under the BR zone, which is the zone of the, of
11 the mansion, how, if at all, would a residential use, or
12 residential quarters, be permitted?
13 MR. RICHARDS: If I was being asked this question and
14 I was still the zoning supervisor administering the zoning
15 regs, and somebody came in and said, you know, we want you to
16 confirm that a residential use would be permitted in this
17 building, I would first ask, or check to make sure there were
18 no violations and no challenges and, to the property. And no
19 recent complaints.
20 After, after there being none, I would have
21 determined that since it was originally used as a residence, I
22 would, I would not require a special exception. And I would
23 not use the test in 104. I would send an inspector out and I'd
24 ask him to tell me what's physically on the property.
25 And if he told me there was an electric meter and

there was a kitchen and a bathroom and a place where you could easily have living quarters, if he told me that was originally there, I would not require a special exception and I'd approve it.

Now, not going to a hearing, obviously my approval could be challenged but I would approve it anyway, based on the evidence.

MR. SCHMIDT: Okay. But under the strict reading of the regulations is residential quarters in a commercial building a defined special exception use in the BR zone?

MR. RICHARDS: Yes, it is. But we, over the years, interpreted if it's a new residential use.

MR. SCHMIDT: Well, does, does it say new residential use?

MR. RICHARDS: No, it does not.

MR. SCHMIDT: Okay.

MR. RICHARDS: No.

MR. SCHMIDT: So, it doesn't say new but --

MR. RICHARDS: No.

MR. SCHMIDT: -- it, it, the regulations do, in fact, state that residential quarters --

MR. RICHARDS: Is a permitted use.

MR. SCHMIDT: -- in a commercial building.

MR. RICHARDS: Yeah.

MR. SCHMIDT: By special exception.

MR. RICHARDS: By special exception, yes.

MR. SCHMIDT: Okay. Now, Mr. Richards, generally describe to the Board, what's the criteria for considering whether a special exception should be granted. What, what, what's looked at?

MR. RICHARDS: You have, you have to meet the provisions in 502, which relates to many, many different things, including the environment and traffic and, you know, does it fit in with the community, you know, is, is, is the use changing the nature of the use changing, would it adversely affect the community, pretty much.

MR. SCHMIDT: Do you see, you, you've considered this property, you've been to the property?

MR. RICHARDS: Yes.

MR. SCHMIDT: You're familiar with what's being proposed?

MR. RICHARDS: Yes, I am.

MR. SCHMIDT: Being familiar from, you've heard the testimony about how large the apartment quarters will be today?

MR. RICHARDS: Yes.

MR. SCHMIDT: In your opinion, Mr. Richards, are there any adverse impacts associated with a proposed caretaker's quarters on the community?

MR. RICHARDS: I would say, I would determine that no, there are no adverse impacts. That would be my

interpretation.

MR. SCHMIDT: Okay. Are there any adverse impacts from a traffic standpoint?

MR. RICHARDS: Not, not that I could be aware of. You know, absent any objection, you know, it doesn't make sense that one, that one residence, when there was residences there in the past. But reinstituting one residence on the property when it's basically a commercial use, is not going to affect traffic in the overall neighborhood.

If you were proposing a whole development with a lot of cars, I would say yes. I think that the change is so small that it would not affect the community.

MR. SCHMIDT: Okay. Does it have any adverse impact, just going to the stat, statute, on the health, safety or general welfare of the locale?

MR. RICHARDS: I, I don't see how it could.

MR. SCHMIDT: Does it have any adverse impact and create congestion in the roads, the streets or the alleys in the locale?

MR. RICHARDS: I would, I would say no also. And I would say it would, it would be more of an advantage than a disadvantage.

MR. SCHMIDT: Okay. Does it have any adverse impact, or would it create potential hazards from fire, panic or similar dangers?

MR. RICHARDS: I don’t know of any.

MR. SCHMIDT: Okay. How about as to, would it overcrowd the land or cause undue concentration of population on the site?

MR. RICHARDS: I would, I would say no.

MR. SCHMIDT: Okay. Does it interfere with any adequate provisions for schools or parks or water, sewage, transportation or other public requirements, conveniences, improvements or infrastructure?

MR. RICHARDS: I don’t see how one or two people could change that, no.

MR. SCHMIDT: Okay. Will it interfere with any provisions regarding adequate light or air?

MR. RICHARDS: No, because I don’t think anything is changing to the building.

MR. SCHMIDT: Okay. I think you’ve answered this, but would the caretaker’s quarters be inconsistent with the property zoning classification or inconsistent with any other provisions of the regulations?

MR. RICHARDS: Absolutely not.

MR. SCHMIDT: Okay and will it cause any inconsistency with any impermeable surface or other vegetative retention provisions of the Baltimore County zoning regulations?

MR. RICHARDS: I can’t see how it would.

MR. SCHMIDT: Okay. Mr. Richards, let me ask you about the parking, if I can. Now, I think the site plan shows, and I'll reference this, that the parking calculations on the plan and it shows a hundred and four parking spaces are provided, correct?

MR. RICHARDS: Um hm.

MR. SCHMIDT: Okay. Now, let me first, I know the Petition for Special Hearing has also requested sort of a non-conforming designation as to the parking. Can you, can you address that and whether you believe the parking is non-conforming, and if so, why?

MR. RICHARDS: If the parking is going to be existing, wherever people are parking before, whether it was lined or not, whether it was paved or not, regardless of the location, it was in a commercial zone and being used for the principal use that it could remain the way it was always being used in the past.

MR. SCHMIDT: And that parking areas were shown on this prior plan?

MR. RICHARDS: Yes, it was.

MR. SCHMIDT: From, from the 1990s?

MR. RICHARDS: Yes.

MR. SCHMIDT: Okay and the parking, to the best of your knowledge, was utilized as it is today, back in the 1990s?

MR. RICHARDS: I don't think it's changed, no.

MR. SCHMIDT: Was it like that when you were out there?

MR. RICHARDS: Yes.

MR. SCHMIDT: And you said you actually parked there?

MR. RICHARDS: I actually parked out there, yes.

MR. SCHMIDT: Okay. How about, Mr. Richards, no sort of alternative relief was requested. We reference 409.12. What is that provision of the zoning regulations and how might that apply?

MR. RICHARDS: You can amend 409. It's, to ask for a parking lot that maybe would not be striped, it might not be paved, you might not have required screening and there may be a lesser number of spaces. 409 is very complex. It involves a certain width of driveways of certain size spaces. You need, excuse me, you need certain size aisles for the parking.

Some people ask for stadium parking and that would be a change that you could ask for under that provision, where, where, where you would have a person that would drive the cars and just stack them up. You could get more cars than a lot that way. And do like a stadium park. You'd need to ask for that 12 provision for something like that. And there's a lot of provisions in 409, and anyones that you couldn't meet to the letter of the law, you could ask that it be amended.

MR. SCHMIDT: Or modified?

MR. RICHARDS: Or modified, yes.

MR. SCHMIDT: And that's 409 allows a modification of any of those standards?

MR. RICHARDS: Yes, it does.

MR. SCHMIDT: Okay.

MR. RICHARDS: Yes, it does.

MR. SCHMIDT: Do you have an opinion as to whether the parking that's actually onsite out here is adequate and appropriate for this use, given the history?

MR. RICHARDS: Over the years, and absent any complaints documented to the, you know, it not being enough, then I would say that it's okay.

MR. SCHMIDT: Okay.

MR. RICHARDS: I mean, you know, the, you know, it's, it's, it's obviously hasn't caused a problem over, and what's it, twenty, at least since the zoning change, I mean, it was long before that. But since the zoning change there hasn't been a problem with anybody documenting any problems with the parking or the uses.

MR. SCHMIDT: Okay. Mr. Richards, would it be a hardship on the property owner to have to tear up the lawn or provide additional parking? Would that possibly detract from the use or the character of the property?

MR. RICHARDS: It would, it would --

MR. MCCANN: Objection, objection to that question.

CHAIR: Well, that's, that is leading.

MR. MCCANN: Leading and it's compound.

CHAIR: Yeah.

MR. SCHMIDT: Okay.

CHAIR: Why don't, why don't you just say what would the effect be?

MR. SCHMIDT: Yeah, what if, what if any, what if any impacts would be on the property by provide, by a requirement to provide additional parking?

MR. RICHARDS: Well, it'd have to require that they tear up the lawn, they could, they might have to line the driveway to put parallel parking in. It would affect the views and the use and the original use, yes.

MR. SCHMIDT: Okay and do you believe it would be warranted in this case from a zoning perspective to require additional parking?

MR. RICHARDS: I wouldn't require if over the years the use has existed as it was and, and there were no complaints that it was affecting the neighborhood.

MR. SCHMIDT: Okay. Thank, thank you, Mr. Richards. I don't have any other question, questions.

CHAIR: Mr. McCann?

MR. MCCANN: Yes, thank you.

VOICE: (inaudible).

MR. SCHMIDT: Write it down for me because (inaudible).

MR. MCCANN: Thank you.

MR. SCHMIDT: I'm sorry.

MR. MCCANN: That's all right. Good afternoon, Mr. Richards.

MR. RICHARDS: Yes.

MR. MCCANN: You're not going to wish me a good afternoon?

MR. RICHARDS: Hey.

MR. MCCANN: Good to see you.

MR. RICHARDS: Same here.

MR. MCCANN: Yeah, I know you know this question is coming, but I'll ask it anyway. You've done some consulting over the past couple years, I think you've already discussed that. Have you ever worked or consulted for any of, any community groups or any of my clients in opposition to any development or zoning requests?

MR. RICHARDS: So far, I had one, one group down in, in the east side of the County, yes. But I didn't have to testify. I just answered the telephone.

MR. MCCANN: Okay and that, and that was --

MR. RICHARDS: A lot of times, a lot of times my contacts are just a telephone call that sometimes isn't too short.

MR. MCCANN: Yeah. I'm talking about testifying or offering opinions in opposition.

1 MR. RICHARDS: Not, not at a, at a hearing, no.
2 MR. MCCANN: Okay, fair enough. So, just, you know,
3 a couple things. First, you, you indicated that the physical
4 structural tent does not matter for purposes of analyzing the
5 non-conforming use issue. That's your, your testimony,
6 correct?
7 MR. RICHARDS: Yeah, but I don't consider a tent a
8 structure either.
9 MR. MCCANN: Well, --
10 MR. RICHARDS: I mean, I don't think, in Baltimore
11 County, I don't think it would meet the definition of a
12 building. But the, the type of coverage isn't important to me,
13 but the use is.
14 MR. MCCANN: Well, let me ask you first about that.
15 You just said that you didn't, you wouldn't consider it a
16 structure. Were you here for the testimony of the other
17 persons in this case?
18 MR. RICHARDS: Yes.
19 MR. MCCANN: Did you hear the testimony that the tent
20 is, has been described, not just by me, but by others, as a
21 permanent tent with, that is attached to the building?
22 MR. RICHARDS: I heard the use of the word permanent,
23 I don't necessarily would agree with that.
24 MR. MCCANN: Okay. Well, have you, have you seen the
25 tent recently?

MR. RICHARDS: Yes.

MR. MCCANN: When?

MR. RICHARDS: I don't think it's a permanent structure --

MR. MCCANN: When, when did --

MR. RICHARDS: I guess about a year or so ago, yes.

MR. MCCANN: You went out and looked at the tent?

MR. RICHARDS: I did look at the tent. I mean, I, I was inside of it.

MR. MCCANN: Okay. You didn't mention that before. On what, for what, for what reason were you out there?

MR. RICHARDS: It was pretty fancy, I mean, it looks really nice, and you feel nice and safe and covered in there.

MR. MCCANN: Yeah.

MR. RICHARDS: It's the same use area as if you didn't have the tent.

MR. MCCANN: Yeah, well, getting back, well, we'll get to the use area that you're, you're, you're talking about. I'm just talking about the, the, the tent structure itself. It, it doesn't matter to you, or you don't consider it even a building, even though it's permanent, it's attached to the house, it has HVAC and electrical to it, you don't consider that to be a structure or building of any sort?

MR. RICHARDS: I don't, I don't consider that part of the use as a zoning use, you know, as a permanent building, no.

MR. MCCANN: Okay. So, and you make this distinction, and Mr. Evans was asking you about the distinction between the use and the, and the building itself. When you, when you test, when you state that the non-conforming use analysis doesn't apply to the building, only the use, are you, are you relying upon 104 itself when you say that? Are --

MR. RICHARDS: I'm, I'm relying on 104 and my experience through the years, yes.

MR. MCCANN: Okay.

MR. RICHARDS: That there's a lot of non-conforming uses that have no structure on them at all. There's also non-conforming uses that have temporary structures. So, whether you call it a temporary or permanent, I don't know what the issue is. I mean, we're talking about a use.

CHAIR: So, Mr. Richards, Mr. Richards, if, if, assume for the moment that the, the tent that we're talking about was an actual, actually attached as part of the mansion, okay?

MR. RICHARDS: Okay.

CHAIR: I, how does that affect the analysis?

MR. RICHARDS: It can be attached. I mean, it would keep people dry, you know, --

CHAIR: But how does it affect non-conforming use analysis?

MR. SCHMIDT: I, I'm sorry, we didn't hear that.

Could you repeat that, Mr. Evans?

CHAIR: If, if it were, if it were, let, let's say it was an addition to the, to the mansion, okay? So, that it was a building, how, how would that fact then influence the non-conforming use analysis?

MR. RICHARDS: I don't think it would affect it one bit, because the use was in the patio, not in the structure.

CHAIR: Okay.

MR. MCCANN: Well, you just said patio. Mr., Mr. Evans' question was not, and I assume, and I'll ask a different hypothetical, if that's not what you're asking, Mr. Evans. Not that it's a patio but it is, it is an addition. No different than the addition that we talked about earlier that's behind the mansion.

Say it's got everything that the house has, it just happens to be an extension or an addition into the, the DR-3.5. Is, how did that affect the non-conforming use analysis?

MR. RICHARDS: I don't think the non-conforming use changed one bit.

MR. MCCANN: Not, not the use but how would the structure, the use of that structure, how would that change the analysis?

MR. RICHARDS: I don't think, I mean, I don't, I don't really understand your question.

MR. MCCANN: Yeah. Let me ask it this way. Maybe a

little differently than Mr. Evans. So, we, if you're correct, tomorrow the owner of this property could construct a forty by sixty self-standing catering accessory building on the DR-3.5, could do that today and automatically that would, that wouldn't have any non-conforming use implications. Is that your testimony?

MR. RICHARDS: If the use area, you know, if it wasn't being used for that previously, yes.

MR. MCCANN: But if it, I'm just talking about the structure itself, just the, the addition of a structure that I just described on the completely unattached to the mansion building, but sitting on, as an accessory building on the three point, on the DR-3.5 and it was constructed today, post-2000, that would have non-conforming use implications would it not?

MR. RICHARDS: Not in the DR-3.5 unless it was used previously as the same use area.

MR. MCCANN: Yeah, well, all right. 104, and we can all look at it, and I'm sure the Board will, also speaks to non-conforming structures, does it not? Non-conforming buildings?

MR. RICHARDS: Yes.

MR. MCCANN: Okay. In fact, non-conforming buildings or structures can't be extended, correct, can't be expanded by a certain percentage?

MR. RICHARDS: Twenty-five percent, yes.

MR. MCCANN: And is there also common law that addresses the, the implications of non-conforming structures? Is there, is there not case law on that issue as well?

MR. RICHARDS: I'm only thinking of the zoning issue.

MR. MCCANN: Okay. You're not familiar with any case law that addresses that?

MR. RICHARDS: I think I remember it being brought up, but it's not really a factor for me.

MR. MCCANN: Okay, all right. Well, you also, well, you spoke about, I think Mr. Schmidt asked you explicitly about the non-conforming parking. In fact, that's part of the relief sought in this case. Does the, the parking lot, the physical parking lot, that's in the DR-3.5, does that have non-conforming use implications?

MR. RICHARDS: If it was zoned BM originally, yes.

MR. MCCANN: So, excuse me, I'm sorry. I dropped my phone here. So, it does, it is relevant, that is, the physical parking that exists in the DR-3.5 needs to be established as a non-conforming use?

MR. RICHARDS: Well, in my interpretation, by looking at the different development plans, I'd say absolutely yes.

MR. MCCANN: And, and what do you mean by that? Looking at the different --

MR. RICHARDS: It meets non-conforming use standards. It was there before the zoning change. It was there as a

permitted part of the principal use.

MR. MCCANN: What was there?

MR. RICHARDS: Parking.

MR. MCCANN: The same parking that's there today?

MR. RICHARDS: The same what?

MR. MCCANN: The same parking that's there today?

MR. RICHARDS: Yes.

MR. MCCANN: Okay. So, we could, and I don't have to do it with you right now, but in our, in our time, we can go back and look at the, the parking that's on the site today and compare it to those prior plans that were approved and that would support the establishment of that parking as a non-conforming use?

MR. RICHARDS: I don't see the parking any different than what it was before.

MR. MCCANN: Okay, all right.

MR. RICHARDS: Now, well, I didn't go out and count the spaces, but the same area looks like it's being used.

MR. MCCANN: Okay.

CHAIR: And the, again, the operative date is December 2000, correct?

MR. RICHARDS: Absolutely (inaudible) maps were final, yes.

CHAIR: If it's different in 1990 than what we have today, but it's the same in November of 2000 as what we have

today, then that satisfies the non-conforming use, correct?

MR. RICHARDS: Yes, absolutely.

CHAIR: Okay.

MR. MCCANN: And to that point, are you aware of any plans that were approved in 2000 or prior to December of 2000, other than those that you've been shown so far this afternoon?

MR. RICHARDS: Mostly, the plan that I looked at the most, even before today, was the 1991 development plan that showed the area, even though it didn't concern the actual commercial use property, it showed the commercial use and it showed the, the different areas of use, it showed the parking and I'd say that whatever was shown on that plan and whatever is shown on the '94 or '93 plan that Mitch Kellman approved, those two plans were very instructive to determining whether there's a non-conforming use with the parking or not.

MR. MCCANN: Okay. I don't think that answered my question, but that's okay, I'll move on. With respect to the, the caretaker's issue, if I heard you correctly, and I'm not sure that I did, that you would consider that the proposed, or the req, the Petition Special Exception to not even be necessary because it was used residentially in the past and you've always read the, the caretaker's provision to mean a new residential use, one that was not used in the past?

MR. RICHARDS: Correct.

MR. MCCANN: Okay and on what do you base your, your

1 opinion, or your belief that it was used, it meaning the
2 mansion, was used residentially in the past? What do you base
3 that on? And by, by in the past, I mean, go ahead, I'll let
4 you answer.
5 MR. RICHARDS: Well, the, the current owner may want
6 a decision that's not appealable. If I was a zoning supervisor
7 and I approved an insurance letter or approved a use for tax
8 purposes, if I looked at it and determined that we could
9 approve living quarters in there because of the existing
10 conditions on the property, then that decision that I made and
11 documented, could be appealed. But I'm not, I'm telling you I
12 have enough information that I would have made that decision
13 from listening to this case.
14 MR. MCCANN: Okay. Well, I'm asking you what about
15 this case that you've heard, and I think you just used the term
16 existing conditions, what are the existing conditions that
17 would supp, that support your belief that there, there would
18 not need to be a special exception for the caretaker's --
19 MR. RICHARDS: Well, somebody was living there,
20 correct?
21 MR. MCCANN: I'm asking you.
22 MR. RICHARDS: I mean, I, that's the testimony I
23 heard.
24 MR. MCCANN: When, --
25 MR. RICHARDS: Back as far as the Trinitarians it was

1 used as a residence, and that use continued. And that was a
2 small part of the second floor, maybe it wasn't part of the
3 catering operation, but somebody was living there.
4 MR. MCCANN: So, anytime any, with regard to any, so
5 any time it was used, as long as it was used at some point in,
6 in the past. It doesn't matter whether it was forty years ago,
7 for some period of time, it hasn't, doesn't matter whether it's
8 been used recently or, or now as such, you would not require a
9 special exception?
10 MR. RICHARDS: Well, if it was fifty years ago and no
11 use in between, I probably wouldn't. But because I've heard
12 testimony in this case that not too long ago in the nineties
13 and 2000s, I think even, that there was somebody living there,
14 that's the basis I would make that decision, yes.
15 MR. MCCANN: Okay. The, the testimony was what it
16 was, but what, your, your opinion in that regard is based on
17 what was stated during the course of this hearing in terms of
18 residential use, correct?
19 MR. RICHARDS: Yes, and I would make that decision
20 based on no con, no challenges to the person living there from
21 the community, no complaints or existing violations on the
22 property and those two things I would consider before I would
23 give any approval, yes.
24 MR. MCCANN: You said no complaints and what else, no
25 violations?

MR. RICHARDS: No challenges.

MR. MCCANN: Yeah.

MR. RICHARDS: To the use or no violations on the property, documented violations.

MR. MCCANN: Okay. So, a couple questions there. Number one, you did not conduct some independent investigation outside of the course of this hearing today about when, if and when, the, the mansion was used residentially. You didn't undertake that?

MR. RICHARDS: No, I don't.

MR. MCCANN: Did you, likewise, did you ever, did you do a search or conduct any investigation to determine whether there are any complaints?

MR. RICHARDS: I, I haven't but I'm only telling you that's a criteria I would use.

MR. MCCANN: Yeah.

MR. RICHARDS: I'm giving you a criteria that I would have before I would do an approval and that's one of them.

MR. MCCANN: Yeah, I'm not asking about how you would do an approval. For better or worse, you're no longer head of Zoning Review. I'm just asking in support of your testimony today, did you undertake any investigation or search for any complaints about the residential use or, for that matter, the, the tent structure?

MR. RICHARDS: No.

MR. MCCANN: Okay. Did you speak to any of my clients or anybody else in the community? Did you --

MR. RICHARDS: Your comments, can you repeat it?

MR. MCCANN: Did you, did you go out to the site and, and speak to anybody from the community about any of this?

MR. RICHARDS: No, I did not. Did I, did, I can ask you a question?

MR. SCHMIDT: No.

MR. RICHARDS: Oh, because that gives me a good one.

CHAIR: Mr. Richards, you can't do that.

MR. RICHARDS: Okay.

MR. SCHMIDT: He knows better, Mr. Evans. He's just trying to get a rise out of Mr. McCann

CHAIR: (inaudible).

MR. SCHMIDT: Sorry.

CHAIR: Yeah.

MR. MCCANN: Yeah, on that, I guess related to that, you talked about the impacts in, in connection with the special exception standard. Your testimony about there, that there would be no impacts and that this proposed special exception complies with the factors in 502.1, is just based on your review, it, of the use, it's not based on any investigation you did, for instance, any communications with folks in the neighborhood or my clients, is that true?

MR. RICHARDS: That's based on my fifty years'

experience is what it's based on.

MR. MCCANN: Yeah, but you don't live in this community, right?

MR. RICHARDS: I didn't go out to the property and investigate, no.

MR. MCCANN: Okay. How many parking spaces are required under the zoning regulations? Could you just restate that for us?

MR. RICHARDS: I'm sorry, what was the question again?

MR. SCHMIDT: How, how many, how many parking regulate, how many parking spaces are required under the zoning regulations?

MR. RICHARDS: It, it's twenty per thousand but if part of that was used as a residence and office, you'd have to subtract that area. So, they may be a lot closer to the parking then they think, what's required.

MR. MCCANN: Okay. So, put aside the residential aspect of it. You said twenty per a thousand square feet, correct?

MR. RICHARDS: Yes.

MR. MCCANN: And that's in 409?

MR. RICHARDS: Yes, it is.

MR. MCCANN: Okay and maybe I just missed it. Is that, is there a separate use in 409 for catering facilities,

or does it fall in somewhere else?

MR. RICHARDS: No, but it's, it's similar to a restaurant and catering, you know, they're all twenty per thousand where you would have eating and, and sitting.

MR. MCCANN: Okay. So, that's, that, I think, I think you answered my question. So, if we go to look at 409, it lists all these uses in a chart and it --

MR. RICHARDS: Yes.

MR. MCCANN: -- tells us the required number of parking spaces. You looked at, you looked at restaurants to, as a comparison?

MR. RICHARDS: Yes.

MR. MCCANN: And not carryout restaurant, right? Not fast food? Which, which type of restaurant did you use for that calculation?

MR. RICHARDS: It would be a standard restaurant. I don't have the page open right now.

MR. MCCANN: Yeah.

MR. RICHARDS: But anywhere where you're serving food with the tables, you know, like a restaurant is twenty per thousand.

MR. MCCANN: Okay.

CHAIR: Would that mean there would have to be five hundred parking spaces, if it's ten thousand square feet, right? If it's ten thousand square feet --

MR. SCHMIDT: That, that would be the math, Mr. Evans. That's correct. Assuming the entire building --

MR. MCCANN: Hold, hold on. Larry, you can't testify.

MR. SCHMIDT: No, I'm sorry (inaudible).

CHAIR: (inaudible) I was ask, actually asking Mr. Richards but --

MR. SCHMIDT: Oh, I'm sorry. I thought you were asking me.

CHAIR: So, the math is if this is ten thousand square feet, it would require five hundred parking spaces under 409, right?

MR. RICHARDS: Um hm, that's correct.

CHAIR: Okay, okay.

MR. SCHMIDT: I'm sorry, Mr. Evans. I thought you were asking me.

CHAIR: That's okay.

MR. MCCANN: I have 409 and I think this is important enough that at least I should pull up and ask you where that comes from because I don't see it, frankly. I see standard restaurants, I don't see the twenty per thousand. So, real quick, I've got 409 here, Mr. Richards. And I'll blow it up. Can you see it? Mr. Richards? Do you see it?

MR. RICHARDS: I'm looking now.

CHAIR: I think he's, he's looking at a hard copy.

MR. MCCANN: Oh, okay, got it, got it. It's 409.6 in particular, right? And I'll go down to standard restaurants, which is I think what you said.

MR. RICHARDS: Okay. Look at the top of page four colon forty in the zoning regs.

MR. MCCANN: Yeah.

MR. RICHARDS: Nightclub, tavern, strip tease, catering hall or drive-in restaurant, twenty per thousand.

MR. MCCANN: Got it, okay, great. Thank you. Appreciate that. Sorry to waste the time on that. How many square feet is the, is the mansion, do you know?

MR. RICHARDS: I'm sorry, what was that?

MR. SCHMIDT: Can you say it again, Mr. McCann?

MR. MCCANN: Yeah, how many square feet is the mansion? Or what would, what square footage did you use in determining the number of required spaces?

MR. RICHARDS: I didn't figure the number of parking spaces. You know, I, the engineer may have done that, but I didn't do that.

MR. MCCANN: Okay. But you determined under 409.12 that there was sufficient undue hardship for a modified parking plan, right?

MR. RICHARDS: If it was like that all over the years, I'm sure the existing owner would want to confirm that it could continue the same way it has existed through the

years. And if it didn't meet the exact number, or wasn't paved, or wasn't striped, or didn't have a wide enough driveway, that it could still remain and be used.

MR. MCCANN: Okay. So, the answer to my question is yes, there, you believe there's, there's an undue hardship? That's the standard, right?

MR. RICHARDS: Yes.

MR. MCCANN: Okay and, essentially, why you believe so is because it's already there, why would we make them comply with the law, right?

MR. RICHARDS: Correct.

MR. MCCANN: Okay, bear with me one second. You know when 409.12 came into existence? When it was part, part of the zoning regulations offhand?

MR. RICHARDS: Yeah, I think it might even say it in the regs, if you have the regs open.

MR. MCCANN: Yep, I'm looking now, yeah.

MR. RICHARDS: I'd say eighties or nineties.

MR. MCCANN: Okay, all right. Bear with me one second.

MR. RICHARDS: I'm, I'm guessing in the late eighties, but you know I'm not sure, because in the regs it doesn't, it doesn't give you a quote next to the requirement.

MR. MCCANN: Okay. But I, I would guess at least the eighties.

MR. MCCANN: So, well before the parking lot was established?

MR. RICHARDS: I believe so, yes.

MR. MCCANN: Okay and real quick, I don't want to belabor this too much either, but this .74-acre parcel that's shared with the community over near the pool, are you familiar with that?

MR. RICHARDS: Like the overflow lot? Yes.

MR. MCCANN: Yeah, yeah, I think that's how you refer to it.

MR. RICHARDS: Correct.

MR. MCCANN: Isn't that, wouldn't that require a, a shared parking adjustment under the zoning regulations?

MR. RICHARDS: If it's not paved, if it's not striped, if, you know, all the little things, I don't know. I didn't go out and measure the spaces and the driveways and see if it's paved or not now.

MR. MCCANN: Okay.

MR. RICHARDS: But if it can't meet those requirements, it, it could be part of that request, yes.

MR. MCCANN: And that's under 409.6, right? Shared parking adjustments? Let me, I don't want, I don't want to drag this out too much, but there's a provision, is there not--

MR. RICHARDS: Six is the number of spaces. You were talking about twelve, I believe, weren't you?

MR. MCCANN: No, I'm talking about 409.6(B)(3) and I can pull it up. I'm just trying to move things along, but I can certainly pull it up.

MR. RICHARDS: The number or (inaudible) adjustment, or ride sharing?

MR. SCHMIDT: Here.

MR. RICHARDS: Oh, shared parking adjustment.

MR. MCCANN: Yeah.

MR. RICHARDS: Oh, no, I have no, you know, whether that was, I guess in the past, if the time differential worked, then it was approved.

MR. MCCANN: I'm not asking whether it has been approved, just that provision, 409.6(B)(3), essentially, requires when you have a shared parking arrangement that, in this case, between the community pool and the mansion, there's some findings that need to be made, correct?

MR. RICHARDS: Yes, yes.

MR. MCCANN: And the, but you didn't look at that, correct? Is that a yes?

MR. RICHARDS: Well, it doesn't, it doesn't (inaudible) that one of the uses isn't residential.

MR. MCCANN: You believe that under 409.6(B)(3) one of the uses needs to be residential?

MR. RICHARDS: Well, I, you know, I guess the owner can appeal it and say that that provision was in effect when

the plan was approved.

MR. MCCANN: Okay.

MR. RICHARDS: And the residents can't use that lot.

MR. MCCANN: Okay.

MR. RICHARDS: It has restaurant on there and I think we would look at the current use similar to a restaurant.

MR. MCCANN: But you didn't look at that prior to today, I just want, correct?

MR. RICHARDS: I'm sorry, what?

MR. MCCANN: You did not look at that prior, or give some consideration to that prior to today, correct?

MR. RICHARDS: No.

MR. MCCANN: Okay and then, likewise (inaudible) --

MR. RICHARDS: (inaudible) part of an agreement, I guess. It was part of an agreement that was approved originally.

MR. MCCANN: Do you know that, Mr. Richards or are you just asking --

MR. RICHARDS: Shared parking adjust, shared parking with the overflow lot.

MR. MCCANN: Are you asking or are you telling me that's what you understand is the case?

MR. RICHARDS: I, I mean, that's what I heard at the hearing.

MR. MCCANN: Okay.

MR. RICHARDS: That there was an agreement, and I don't know whether zoning was part of that agreement. And you're asking me if it meets this regulation. Well, how would I know if I wasn't part of the agreement or improved it?

MR. MCCANN: Okay, all right. Thank you, Mr. Richards. No other questions.

CHAIR: Anyone from the Board have any questions for Mr. Richards?

MR. LAUER: I do, if I might, Mr. Chairman.

CHAIR: Sure.

MR. LAUER: Mr. Richards, can you hear me?

MR. SCHMIDT: Yes, can you hear him?

MR. LAUER: Can you hear me? Okay.

MR. RICHARDS: Yes, yes.

MR. LAUER: Two things here. Number one, considering that portions of the property were rezoned to DR-35 in 2000, are there other alternatives to getting that zoning corrected?

MR. RICHARDS: I think the councilman made a mistake.

MR. LAUER: Okay. Can, can the property owner go appear and ask to have that zoning corrected? How is that corrected?

MR. RICHARDS: Well, --

MR. LAUER: If there is a mistake?

MR. RICHARDS: -- an administrative hearing is a lot easier for you to okay it at the Board than it is to go through

the whole zoning process.

MR. LAUER: So, what you're saying is, you'd have to go through the whole zoning process again, the next time there's a comprehensive rezoning?

MR. RICHARDS: Either comp or out of cycle, yes.

MR. LAUER: Okay. Second thing, does the fact that there's a kitchen, I believe there was testimony that there's a kitchen and bathroom on the second floor. Would that affect your determination of whether the property was used as residential?

MR. RICHARDS: I think a building inspector, if he looked at those utilities, he would say yes, that can be used as an apartment.

MR. LAUER: And it would be, it would also affect your determination if you sent an inspector out to look at it and they came back and said hey, there's a kitchen there, there's a bathroom there, and would --

MR. RICHARDS: Yes.

MR. LAUER: Yeah, okay. That's all I got, thank you.

MR. SCHMIDT: Mr. Evans, I had something on re-direct, --

CHAIR: Okay.

MR. SCHMIDT: -- I didn't know if the Board had any questions and I just forgot to ask the witness this. Mr. Richards, I asked you, I think, about the, all the standards

for the special exception and I, I didn't differentiate per se.

Is, is your opinion different if there's one person or two people living in the apartment? Does, do, do you see that there would be a detrimental impact if there was a husband and wife there as opposed to if it was just a single person, or does it even matter for your analysis?

MR. RICHARDS: I don't think zoning wise, the number of people in a family makes no difference.

MR. SCHMIDT: Okay. So, your conclusions would be the same, that there would be no detrimental impact if it was a couple, when I say couple, a husband and a wife or a man and a significant other or whatever --

MR. RICHARDS: Correct.

MR. SCHMIDT: -- than if it was just one person?

MR. RICHARDS: Absolutely not.

MR. SCHMIDT: Okay. That, that's all. Thank you.

CHAIR: All right. Mr. McCann, is --

MR. MCCANN: Yeah, I just had one follow-up, and this is to Mr. Lauer's question.

CHAIR: Okay.

MR. MCCANN: Mr. Richards, you, you said that if the commercial kitchen was there and an inspector saw it, that that would affect your determination. I guess my, what, what determination would that affect?

CHAIR: Well, Mr. McCann, I don't think he said the

commercial kitchen. I think he was talking about the residential kitchen. It was a residential kitchen in the second stor, on the second, second floor.

MR. RICHARDS: Right.

CHAIR: That's I think what Mr. Lauer was asking about, not the commercial kitchen.

MR. LAUER: That is what I was asking, yes.

MR. MCCANN: I didn't, I didn't hear anywhere today that there was a residential kitchen on the second floor.

CHAIR: Well, there was testimony to that effect.

MR. MCCANN: Oh, back in, oh, okay.

MR. SCHMIDT: Yes.

MR. MCCANN: I didn't, I didn't hear it was still there today, that's, maybe that's what I'm asking. I, I didn't --

CHAIR: Well, --

MR. MCCANN: It was twenty years ago. And it's been remodeled. So, let's assume that there was still a residential kitchen today on the second floor and that it hasn't, hasn't changed since, I think, I think, well, whenever said it was there. What determination would that affect? You said something, it would affect your determination.

MR. RICHARDS: I think if, if, if I was making a determination of whether to approve a caretaker there, living quarters, before I would do it without a special exception and

approve the use, I want to make sure, number one, that recently it was used as an apartment, like maybe in the last eight or ten years or so, not fifty years, but sooner than that. And is it physically still existing, like the utilities, maybe a meter, like a bathroom and a kitchen.

MR. MCCANN: Right.

MR. RICHARDS: And I would send an inspector out there to look at it and give me a report that it could be used as a residential unit before I would make that zoning decision, yes.

MR. MCCANN: Got it. So, you, you were talking, in response to Mr. Lauer's question, about what you would do sitting in your office across from my office as zoning, as head of the zoning office, what you might do?

MR. RICHARDS: Yes.

MR. MCCANN: Okay.

MR. RICHARDS: And what criteria I would use --

MR. MCCANN: All right.

MR. RICHARDS: -- before I would approve that, yes.

MR. MCCANN: When, when, when you would make the decision as zoning, as the head of zoning, whether or not someone needed a special exception or not?

MR. RICHARDS: Correct. Those are the criteria I used. And I used many times.

MR. MCCANN: Yeah, well, that is among your many,

1 that, that was among your very, your many superpowers over
2 there, was it not, deciding when and when not a special
3 exception --
4 MR. RICHARDS: You know what, if it's appealable,
5 it's not that super, correct?
6 MR. MCCANN: Yeah, well, we can talk about whether
7 you had the power or not, but that's, that's a different,
8 that's a different story. So, thank you for that
9 clarification. Thank you.
10 CHAIR: But isn't the ultimate point here, and, is
11 that the Petitioner has applied for a special exception, so Mr.
12 Richards' criteria, whether they're idiosyncratic or office
13 wide, aren't really the question here. He's just saying what
14 he would do if he were in charge. But in, in this particular
15 case, a special exception has been applied for, right?
16 MR. MCCANN: I agree. I was just reacting to Mr.
17 Lauer's question.
18 CHAIR: Okay.
19 MR. MCCANN: Thank you.
20 MR. SCHMIDT: And Mr., Mr. Evans, we, I mean, you're
21 correct. We've applied for the special exception. Mr.
22 Richards is no longer sitting in that office to make that
23 request.
24 MR. RICHARDS: No.
25 MR. SCHMIDT: But I think it's his background as to

1 the way he views this.
2 MR. RICHARDS: I only, I only thought that my thought
3 process could, if I had this same situation, that my thought
4 process could help you make your decision.
5 CHAIR: Okay, thank you. We appreciate that. All
6 right. Any other questions for Mr. Richards? No? Okay. Mr.
7 Richards, you're excused. Thank you very much. As always, we
8 appreciate your contribution.
9 MR. RICHARDS: Thank you.
10 CHAIR: Um hm.
11 MR. SCHMIDT: Mr. Evans, I, that would be the
12 Petitioner's case. I just want to make sure my exhibits are in
13 that I submitted to the Board. I think one through seven were
14 the exhibits that were before the ALJ and are already in your
15 file and I think we talked about them.
16 Eight were the new photos that Ms. Pomykala talked
17 about, the ones with the crane. Nine was her sort of chart
18 about the history, just her informational chart. Ten was the
19 CZMP log of issues, which Mr. Richards talked about.
20 And, and eleven is just a letter, I know the Board
21 gets letters before and after, and there was a letter from the,
22 about the historic application that I, was sent to me as
23 opposed to you. I think it's a to, to whom it may concern
24 letter and I included that as eleven, the eleventh exhibit.
25 And I know I don't have Mr. McCann's exhibits and he

1 doesn't have mine and there, maybe there ought to be some
2 requirement to exchange them before the hearing, but those
3 eleven exhibits are mine.
4 MR. MCCANN: Yeah, I sent them to you.
5 MR. SCHMIDT: When?
6 MR. MCCANN: Early, just, you know, when we last
7 brought this up. So, within the last hour and a half or so.
8 MR. SCHMIDT: Oh, okay. Okay.
9 MR. MCCANN: But those are, just so we're clear,
10 these are cross examination exhibits, which I don't have to
11 disclose but as the Petitioner, I think we've always
12 understood, Larry, that you're supposed to send them in advance
13 of the hearing, so --
14 CHAIR: Well, be that as it may, let's move on here
15 today. And so, Mr. McCann, it seems to me the only two
16 exhibits that are potentially at issue here would be Exhibit
17 11, which is --
18 MR. MCCANN: Yeah, I haven't seen it. But --
19 CHAIR: And then, back to, I think, Exhibit 7, was
20 that the newspaper articles?
21 MR. SCHMIDT: Actually, that was five.
22 CHAIR: Five, okay.
23 MR. SCHMIDT: Five.
24 CHAIR: So, have you had a chance to look at the
25 newspaper article?

1 MR. MCCANN: Yeah, five is okay.
2 CHAIR: Okay, five is okay.
3 MR. MCCANN: (inaudible) for the reasons I indicated.
4 CHAIR: Okay.
5 MR. MCCANN: And I haven't looked at the chart, to be
6 honest with you, but my first glance at it, it seems to be
7 okay. But, --
8 CHAIR: Okay. Well, why don't you ponder the
9 question of Exhibit 11 and --
10 MR. MCCANN: Okay.
11 CHAIR: -- and we'll come, we'll return to that, for,
12 at, at some further point.
13 MR. MCCANN: Okay, sounds good. Sounds good.
14 CHAIR: (inaudible) the Board is inclined to admit it
15 (inaudible).
16 MR. MCCANN: Yeah, I understand, I understand.
17 CHAIR: Yeah, okay.
18 MR. MCCANN: In fact, you know, since it's just a
19 chart, it describes (inaudible), if I see any mistakes I could
20 just point them out in the brief, you know, the deed says
21 something otherwise.
22 CHAIR: Okay.
23 MR. MCCANN: (inaudible).
24 MR. SCHMIDT: And just so we're clear, I'm not
25 representing that to be some legal title search or anything

like that.

CHAIR: That's okay, that's fine. We understand.

MR. SCHMIDT: Ms., you know, Ms. Pomykala put that together so she had, could help her testify, that's all.

CHAIR: We're all good with that, okay. Okay, so it's admitted.

MR. MCCANN: Okay.

CHAIR: Okay.

MR. MCCANN: Yep.

CHAIR: So, Mr. McCann.

MR. MCCANN: Yes.

CHAIR: The ball is now in your court.

MR. MCCANN: Okay, great. I think Steve Weinstein is with us. He would be our first witness.

CHAIR: Okay, let's see if we can make him a panelist, right? Okay, Mr. Weinstein, can you hear us?

MR. WEINSTEIN: Yes, I can.

CHAIR: Okay. You are now a panelist.

MR. WEINSTEIN: Let me start the video.

CHAIR: Okay.

MR. WEINSTEIN: Let's see, I've got to --

CHAIR: It's working, it's just not, there it is. There it is, okay, there it is. Okay, all right. I guess we need to swear you.

MR. LAUER: Would you raise your right hand, as you

just have. Do you swear and affirm under the penalty of perjury, that the testimony you are about to give is true and correct to the best of your knowledge and belief?

MR. WEINSTEIN: I do.

MR. LAUER: And please give us your name, spell your last name and your address for the record.

MR. WEINSTEIN: Steven Weinstein, W-E-I-N-S-T-E-I-N, I live at 207 John Eager Court, Pikesville, Maryland.

MR. LAUER: I'm sorry, repeat that address again, I didn't quite get it.

MR. WEINSTEIN: 207 John Eager Court.

MR. LAUER: Okay.

CHAIR: Is that Steven with a P-H or V?

MR. WEINSTEIN: V.

CHAIR: V, okay.

MR. MCCANN: Okay, thank you, Mr. Lauer. Mr. Weinstein, tell the, the Board where it is that the address you just identified is in relationship to the mansion.

MR. WEINSTEIN: My backyard backs up to the circle right in front of the mansion.

MR. MCCANN: Okay. So, maybe what I'll do is, I have an exhibit. It's the, I'll share this. This is Protestant's Exhibit 3. This is a My Neighborhood map. Do you see that, Mr. Weinstein?

MR. WEINSTEIN: Yes.

1 MR. MCCANN: Okay. Do you see the mansion property
2 where it says BR?
3 MR. WEINSTEIN: Yes.
4 MR. MCCANN: Okay and you, your, where is your house?
5 Just --
6 MR. WEINSTEIN: Just below where your cursor is. Go
7 down, straight down, down, down, down, down, down a little
8 more, right there.
9 MR. MCCANN: Okay. Sort of in this little box.
10 MR. WEINSTEIN: (inaudible) the top end right there is
11 my unit.
12 MR. MCCANN: Okay and these are, what kind of units
13 are these?
14 MR. WEINSTEIN: We're considered, my site is
15 considered the villas. We're basically a townhouse that's done
16 as a condo.
17 MR. MCCANN: Okay. Let me just, just describe
18 generally, I know we've talked a lot about the community. But
19 just describe real quick if you would the Grey Rock community,
20 what types of houses it consists of and who lives there,
21 demographically maybe.
22 MR. WEINSTEIN: There are two halves. You've heard
23 about the flats and the villas. The villas are a, everything
24 is a condo. The villas are a townhouse condo where the flats
25 are more of an apartment condo, an apartment type unit that's a

condo.

MR. MCCANN: Okay.

MR. WEINSTEIN: And everything above my unit going to Greentree Road --

MR. MCCANN: Um hm.

MR. WEINSTEIN: -- is the flats and everything below my building going towards Reisterstown Road is the villas.

MR. MCCANN: Okay and Greentree, we've talked about that a couple times, that's this road here that curves around--

MR. WEINSTEIN: Yes.

MR. MCCANN: -- the flats?

MR. WEINSTEIN: Yes.

MR. MCCANN: Okay. All right, great. The Grey Rock Maintenance Corporation, tell us what that is and what your affiliation is with that corporation.

MR. WEINSTEIN: With having two condo associations, the maintenance corp was set up to own and maintain the common areas, the main roads in and out of the community, which is Grey Rock Road and Howard Square Road. It's the swimming pool, the guardhouse the fences that enclose the community, the stormwater management ponds. They were all put into the Grey Rock Maintenance Corp. And the Grey Rock Maintenance Corp. is owned by the flats and the villas.

MR. MCCANN: Okay.

MR. SCHMIDT: Mr. Evans, if it's appropriate at this

1 point in time, I'm going to object to any testimony that the
2 witness makes about this in reference to that as the Grey Rock
3 Maintenance Corporation is not a corporation in good standing,
4 according to the State Department of Assessments and Taxation.
5 And is thus, not a, not a valid entity in the State of
6 Maryland.
7 So, I suspect the witness can testify as a resident,
8 but not on behalf of an entity which does not, is not in good
9 standing with the State of Maryland.
10 CHAIR: Yeah, I'm not sure that's the law on, with
11 regard to corporations that aren't in good standing. But
12 let's, let's, your, your comment is noted and let's just
13 continue and see where we go with this, okay?
14 MR. SCHMIDT: Thank you.
15 MR. MCCANN: Mr. Weinstein, amongst the properties,
16 just for, by way of background, you described Grey Rock Road
17 here and then we talked quite a bit about this sort of circle
18 turnaround that's right in front of the mansion, do you see
19 that?
20 MR. WEINSTEIN: Yes.
21 MR. MCCANN: So, this parcel that's sort of roughly
22 rectangular and the one below it, which is very much oblong,
23 are those parcels owned by the maintenance corporation?
24 MR. WEINSTEIN: Yes, they are.
25 MR. MCCANN: Okay and are those, as I asked an

1 earlier witness, are those parcels maintained by the
2 maintenance corporation?
3 MR. WEINSTEIN: Yes, they are.
4 MR. MCCANN: Okay, all right. How long have you
5 lived where you've lived, Mr. Weinstein?
6 MR. WEINSTEIN: I purchased the house in 2008 and
7 moved in a couple of months later in 2009, after having done
8 some renovation work.
9 MR. MCCANN: Okay and who do you live with?
10 MR. WEINSTEIN: My wife.
11 MR. MCCANN: Okay. Kids are out of the house?
12 MR. WEINSTEIN: Yes.
13 MR. MCCANN: Okay and you're, I neglected to ask you
14 what your position with the maintenance corporation is.
15 MR. WEINSTEIN: I am currently the president of the
16 maintenance corporation.
17 MR. MCCANN: Okay and how long have you held that
18 position?
19 MR. WEINSTEIN: For just about a year.
20 MR. MCCANN: Okay. Are you here testifying this
21 afternoon both as an individual resident of the community and
22 as a president of the corporation?
23 MR. WEINSTEIN: Yes.
24 MR. MCCANN: Okay and have you, well, number one, did
25 you have the pleasure of sitting through the hearing before the

Administrative Law Judge?

MR. WEINSTEIN: Well, I wasn't sitting, but yes, I was on it.

MR. MCCANN: Yeah, I think I recall you were in, somewhere out of town.

MR. WEINSTEIN: I was in Vail, Colorado skiing, listening to the hearing.

MR. MCCANN: Yes. And then, have you had the pleasure of sitting through today's hearing?

MR. WEINSTEIN: Yes, I did.

MR. MCCANN: And are you familiar with, with what's been proposed by the mansion in terms of the relief it's requesting of the Board?

MR. WEINSTEIN: Yes.

MR. MCCANN: Okay. What, if any, concerns do you have about the relief that's being sought in this case?

MR. WEINSTEIN: Well, the concerns that I heard through the community, everyone's worried that if you allow a residential component in the mansion, that at some point that it could be expanded.

You hear about fights all the time where something was allowed and people have pushed the boundaries on it, and then the community would be in the position of having to try to get the restrictions enforced through the County, through the Courts and that's something that the community is very worried

about.

And then to move, you know, from the Administrative Law Judge allowing one person there, now they're asking for a couple to be allowed there, what's to stop, you know, a forty-year-old and his thirty year old wife, or whatever, from having babies and all of a sudden, we have a whole family living there?

Their front yard is our property, which they use on a regular basis. Mrs. Pomykala claimed that they didn't, but her bridal parties are out in the grass there taking wedding pictures almost every affair.

One party years ago, before the Pomykalas owned the property, someone was having a sweet sixteen for their daughter and wanted to impress their friends and landed a helicopter in the front circle. They had a tree that needed to come down, they pulled a crane onto our property, doing damage to our property, never bothered to fix it, clean anything up. We wound up having to fix the mess that they made.

MR. MCCANN: Um hm.

MR. WEINSTEIN: Mrs. Pomykala said that, you know, was talking about having to clean up their grounds after a party. They've never once sent those clean up people down Grey Rock Road to get the cups and bottles and beer cans and all that wind up in our grass when those people are leaving. They've been a bad neighbor.

MR. MCCANN: Yeah. Well, getting back to the, the caretaker facility, and you heard the testimony this morning, other than the fact that it could be expanded and beyond what is requested in the future, what about the impact, if any, that you think just having an additional resident or two or more might have, what impact, I think you might have just spoken to it, but I just want to make sure that we're clear about what, what those impacts may be. Aside from just something happening in the future.

MR. WEINSTEIN: Yeah. You know, I think that this building has existed in this community for twenty years, roughly, based on previous testimony with no one living there. It hasn't burned down. It hasn't, you know, fallen apart. There have been no big issues and even Ms. Pomykala testified that there have been no issues in the couple years that they've owned this building. I don't see why there is all of a sudden a need for this today.

CHAIR: But put that aside, Mr. Weinstein, whether they need it or not. The question is whether it impacts the flats or the villas. That's really the, the point.

MR. WEINSTEIN: Any, any traffic going in on our roads, which they are not paying a penny towards the upkeep, maintenance of, has an impact on us.

CHAIR: Okay.

MR. WEINSTEIN: It's more traffic in and out of our

1 community. They allow a box truck to park in the parking lot
2 down by the pool, which we are responsible under that easement
3 to maintain. They don't pay, maintain it, but yet they're
4 allowing a box truck now to come in every day in our community,
5 use our roads, leak oil on our parking lot and they don't
6 contribute a penny.
7 CHAIR: Okay.
8 MR. WEINSTEIN: To me, they're a bad neighbor.
9 CHAIR: Okay. Well, I get that. I get that. Just
10 trying to understand the specific issues here and the specific
11 issue that is being addressed at this moment is the negative
12 impact from having, we'll call it a caretaker couple, in the
13 mansion.
14 The negative impact from that feature. And what,
15 what I understand you to say is that, even that, what would
16 appear (inaudible) to be a small impact is, it generates more
17 traffic and it's onerous even, even when limited to that
18 extent. Is that --
19 MR. WEINSTEIN: And again, the fact that they never
20 stop people from using our property. I don't, you know, I
21 don't need more people out there using it. They don't pay to
22 maintain it. They don't pay to use, you know, for anything
23 with it.
24 I don't want, you know, someone else who's living
25 there, they really, other than the little bit of a grass area

next to the tent, they don't have a, you know, a real yard. And that's why people are always out there taking pictures in our grass area, utilizing our space and --

CHAIR: Okay, okay.

MR. WEINSTEIN: -- we don't need more people doing that.

CHAIR: All right, okay. Got it.

MR. MCCANN: Okay. Mr. Weinstein, there's also been a lot of discussion, well, let me back up. Some of the concerns that you've just expressed, both about a caretaker but also about the, the, I think you called them bad neighbors, have you expressed these concerns to them over the years and to the predecessor?

MR. WEINSTEIN: We, we have, I, I was not involved until about a year and a half ago. So, I don't know the conversations and everything that went beyond that.

MR. MCCANN: Okay.

MR. WEINSTEIN: I know there was discussions between Rachel Hess, our lawyer and Larry on behalf of the owners about trying to get some kind of a contribution towards our infrastructure that we're responsible for.

MR. MCCANN: Um hm.

MR. WEINSTEIN: That has, nothing has really come about from that. So, I know there were previous discussions. We have, since I've gotten involved, we, I have reached out to

the Pomykalas about it and, basically, I got told to go fly a kite. And, you know, that's where we are at the moment.

MR. MCCANN: Yeah, I'm asking less about the contributions to the maintenance and more so about, the concerns about the use of the mansion and the living quarters as affecting the community. Any, any, you mentioned the trash and some of the other things that, have, have you or your predecessors reached out to them about that?

MR. WEINSTEIN: I believe there have been some letters and there's a letter getting ready to go out to the Pomykalas now. Recently they had a party there where they had armed guards. The armed guards at the bottom of the circle were trying to stop our residents from walking around on our property. So, that, and there was another party recently that the music was blaring till midnight.

MR. MCCANN: Yep.

MR. WEINSTEIN: I believe is in violation of the zoning laws. So, there's a letter getting ready to be sent out by Rachel Hess to the mansion for those items.

MR. MCCANN: Okay. You've heard a lot since you, you've been attending the hearing, you heard a lot about the, the tent, the tent structure. And when it was there and when it wasn't there. What's, having been there, as you said, since approximately, what did you say, 2008?

MR. WEINSTEIN: Two thousand nine I moved in.

MR. MCCANN: Yeah, what, what, if anything, can you, can you add to that discussion?

MR. WEINSTEIN: I do not recall a tent there when I moved in. I have dogs, I walk that community three to four times a day and I do not recall a tent there. And I went onto Google Earth and found a picture from the end of 2008 on Google Earth, a picture I had sent you, Mike, that does not show the tent.

If, you know, if you look at the picture before from a year, couple years before, there’s a big, the picture quality is not great, but there’s a big white blob there. You look a couple years later, there’s a big white blob there. The one picture that I found from two thousand, the end of 2008, shows more of a blue/gray color, which to me is the patio, because it's a flagstone patio.

So, the fact that they’re saying that the tent was not, was there continually, I don’t buy. In addition, the pictures that you were showing earlier to the prior owner, I don’t remember his last name, if you look between, I think it was like 2004 and 2005 pictures, the tent (inaudible) is different. So, the tent has changed, unlike what his testimony is, you know, based on my observations.

MR. MCCANN: Okay. You mentioned that the, the 2008 aerial. Let me just pull that up and mark that. And this would be, this would be nineteen. Do you see that?

1 MR. WEINSTEIN: Yes.
2 MR. MCCANN: All right. Is this the --
3 MR. WEINSTEIN: (inaudible).
4 MR. MCCANN: I'll zoom in, yes. Is this the one you
5 were talking about?
6 MR. WEINSTEIN: Yes.
7 MR. MCCANN: And where did you get this from?
8 MR. WEINSTEIN: Google Earth.
9 MR. MCCANN: Okay and does this, it says mansion
10 10/2008 up here. Is that your addition?
11 MR. WEINSTEIN: Yes, yes, I put that in.
12 MR. MCCANN: How, how do you know it was October 2008
13 when the aerial was taken?
14 MR. WEINSTEIN: That was on the tag that was on the
15 Google Earth website.
16 MR. MCCANN: Okay and why don't you go ahead, now
17 that we have it up, describe what it is. This is your address,
18 207?
19 MR. WEINSTEIN: Yes.
20 MR. MCCANN: Okay. But tell, tell us what, what you
21 wanted to point out about this.
22 MR. WEINSTEIN: You see the little blue dot right
23 next to where it says Grey Rock Mansion.
24 MR. MCCANN: Yeah.
25 MR. WEINSTEIN: Just to the right of that is where

1 that tent should be.
2 MR. MCCANN: Yeah.
3 MR. WEINSTEIN: And all I see is a blue/gray color
4 there, which to me, is the flagstone patio there, not a tent.
5 MR. MCCANN: Okay.
6 MR. WEINSTEIN: And again, I looked, and the picture
7 quality from back, you know, in these days isn't as good as it
8 is today, unfortunately. But I looked at a picture from like
9 two years before, you saw a bright white blob. You looked for,
10 you know, like a 2010 picture, again, still a little grainy,
11 but you saw that big white area.
12 MR. MCCANN: Yeah.
13 MR. WEINSTEIN: You don't see that in here.
14 MR. MCCANN: Okay. So, I think you testified that
15 you don't recall seeing a tent there when you first moved in.
16 How is it that you, I think you said you walked, but how is it
17 that you would know that, number one. And number two, did you,
18 have you at any time seen a tent there?
19 MR. WEINSTEIN: Yes, a couple years after I moved in
20 is when the tent appeared. Again, with the dog, I walked the
21 neighborhood and a lot of times we would walk around the circle
22 as a lot of the neighbors do, walking around, just for
23 exercise. And that's when I noticed the tent.
24 MR. MCCANN: Okay. So, you think it was after you
25 moved in, that's the first time you saw it anyway, a couple

1 years after?
2 MR. WEINSTEIN: Yep.
3 MR. MCCANN: Okay. Is it, is the, is the tent
4 structure something that can be seen from the, from the circle
5 in front of the mansion?
6 MR. WEINSTEIN: Yes.
7 MR. MCCANN: Okay.
8 MR. WEINSTEIN: There's, there's low shrubbery at the
9 edge of the mansion and that walkway that you pointed out on an
10 aerial previously, so when you're walking around the circle
11 it's very easy to see.
12 MR. MCCANN: Okay. Well, let me just, I wanted to
13 show you these photographs anyway. These are Exhibits 1
14 through, 1-A through F and we'll just go through them real
15 quick and, is this a photograph you took?
16 MR. WEINSTEIN: I believe so.
17 MR. MCCANN: Okay. Do you know when approximately it
18 was? I think we used these last time.
19 MR. WEINSTEIN: I think I took these before the
20 hearing last year. So, it was probably November/December of
21 '21.
22 MR. MCCANN: Okay and where are you standing? Are
23 you in the circle or somewhere beyond it?
24 MR. WEINSTEIN: No, I was in the circle.
25 MR. MCCANN: Okay, all right. Real quick I'll go

through these. 1-B?

MR. WEINSTEIN: That again, I think I was in the walkway just shooting down towards the little grass area and their gazebo. That's where they, that's, most of that land is, or actually that is almost all the DR-3.5. And in front of the gazebo is where they set up chairs and all for weddings all the time, in the residential neighborhood.

MR. MCCANN: 1-C?

MR. WEINSTEIN: That's coming from the other side, pointing up towards the tent and the mansion.

MR. MCCANN: Okay.

MR. WEINSTEIN: And look again, that's the grass area where they set up the chairs for the weddings.

MR. MCCANN: Okay. I know the Board has a lot of photographs, but just for the record anyway, 1-D is sort of the same view, just a little closer?

MR. WEINSTEIN: Yes.

MR. MCCANN: Okay and 1-E, we've already seen that one, I think.

MR. WEINSTEIN: Yeah, or something very similar, yeah.

MR. MCCANN: Yeah, and lastly 1-F. Where is this from?

MR. WEINSTEIN: This is actually from our grass area that we own. The mansion owns to the edge of the paving back

towards the mansion.

MR. MCCANN: Um hm.

MR. WEINSTEIN: And up along the edge of the evergreen trees that you see on the right edge.

MR. MCCANN: Yeah.

MR. WEINSTEIN: And everything on, in front of that paving is owned by the Grey Rock Maintenance Corp.

MR. MCCANN: Okay.

MR. WEINSTEIN: And so, you can see from the circle and even from the grass area, that tent is very visible.

MR. MCCANN: Okay and you walk, you mentioned walking your dogs, do you walk your dogs regularly, have you since you first moved in, in the circle?

MR. WEINSTEIN: Yes.

MR. MCCANN: Okay, all right. Just make sure that's it. Okay. Before I let you go, anything else you wanted to add, Mr. Weinstein?

MR. WEINSTEIN: Mrs. Pomykala mentioned that they, she uses her labor from Gramercy a lot to do the work here.

MR. MCCANN: Yeah.

MR. WEINSTEIN: If she can do that, what's the need for a handyman onsite? It sounds like most of the work is being done now with her other labor. Why is it suddenly so important to have somebody onsite living there? And the other thing, which no one, I never saw Mr. Schmidt or anyone show was

any kind of a permit for building this tent in the first place.

MR. MCCANN: Okay, okay. Thank you, Mr. Weinstein. I'll move the exhibits into evidence, and they were Exhibit 19, the aerial photograph, and then Exhibits 1-A through F, which were the photographs. And with that, with that, I have no other questions.

CHAIR: Okay. Any cross examination, Mr. Schmidt?

MR. SCHMIDT: Yeah, very briefly. Mr. McCann, can you put up Exhibit 19? I think that's the Google Earth picture.

MR. MCCANN: Sure.

MR. SCHMIDT: Mr. Weinstein, Mr. McCann has put up this photograph again. And you're, you're saying this, this shows what?

MR. WEINSTEIN: I'm, when I went to the pictures from like two years before this and two years after --

MR. SCHMIDT: You have those?

MR. WEINSTEIN: I do.

MR. SCHMIDT: Okay. Well, are they (inaudible) --

MR. WEINSTEIN: I think I sent them to you this morning, Mike. Did you get the e-mail I sent you this morning with three pictures?

MR. SCHMIDT: Mr. Weinstein, you have to answer my --

CHAIR: Don't, we don't just have conversations. You're a witness under oath, okay? So, just answer the

1 questions and if you have a document, you can say you have it.
2 If you don't, you can say your counsel has it. But you don't
3 just start talking, okay?
4 MR. SCHMIDT: Okay. So, Mr. Weinstein, this
5 purportedly shows what? And I'm not asking you to compare it
6 to anything, but this particular photograph shows what in your
7 opinion? Because I'm, I'm, I'm, I'll be honest with you, I
8 can't, the, the resolution is so difficult, I can't tell what
9 it shows other than where the building is. What do you think
10 this shows?
11 MR. WEINSTEIN: I don't think it shows a tent there
12 in, in, on 10 of, in 10 of '08, in October of '08, when --
13 MR. SCHMIDT: Okay.
14 MR. WEINSTEIN: -- Google Earth has this image, I
15 don't see the white tent there.
16 MR. SCHMIDT: You don't see the white tent there,
17 okay. Thank you. Okay. You, okay, so, so, and I know you
18 indicated on your direct examination that the, the maintenance
19 corporation has hired an attorney, correct, to contact Mrs.
20 Pomykala and her, her LLC about contribution for expenses in
21 the community, is that correct?
22 MR. WEINSTEIN: Yes.
23 MR. SCHMIDT: Mr. Weinstein, you're under oath, is,
24 isn't your opposition in this case all about trying to get
25 leverage to force the Pomykalas to pony up some money to, to

pay for things? Do, you, you really object to a single caretaker, or a, or a couple living in that, in that place and keeping an eye on it?

MR. WEINSTEIN: I, I don't know why it's necessary after all this time and I --

MR. SCHMIDT: I didn't ask, I didn't ask --

MR. WEINSTEIN: -- (inaudible) a lot of my neighbors are concerned that that use expands and grows.

MR. SCHMIDT: Okay.

MR. WEINSTEIN: And that's why we're fighting this.

MR. SCHMIDT: Okay. Well, Mr. Weinstein, if the Board of Appeals makes a determination that nobody other than a couple can be there, so that's a requirement that the Board would impose, then would that allay your concerns that it would turn into something else?

MR. WEINSTEIN: Well, I want to know how they're going to make sure that that couple doesn't have a family in the future. That, if so a younger couple, a younger couple that they don't have babies there, and now we have a family living there.

MR. SCHMIDT: So, we might have a family living there? Oh, my God, what, what, what, --

CHAIR: Okay. We don't, we don't need to go there.

MR. SCHMIDT: Okay, okay.

CHAIR: You don't need to be snarky here, okay?

1 MR. SCHMIDT: I'm sorry, but this is all about the
2 leverage, okay. I'll move on.
3 CHAIR: He's denied, he's denied that that's the
4 motive.
5 MR. SCHMIDT: Okay.
6 CHAIR: Okay.
7 MR. SCHMIDT: Now, Mr., Mr. Weinstein, you moved in
8 in 2008, correct?
9 MR. WEINSTEIN: No, I purchased it in 2008, moved in
10 in 2009.
11 MR. SCHMIDT: Okay. If I can ask, where did you live
12 before then?
13 MR. WEINSTEIN: I lived in, in Avalon, in a townhouse
14 over there.
15 MR. SCHMIDT: Okay. Did you ever come to this
16 property, the Grey Stone Mansion property, prior to your moving
17 in here, or purchasing the property?
18 MR. WEINSTEIN: Yes, yes.
19 MR. SCHMIDT: For what purpose?
20 MR. WEINSTEIN: Probably five, six years before we
21 were there for a bar or bat mitzvah.
22 MR. SCHMIDT: Was there a tent?
23 MR. WEINSTEIN: I believe there was a tent at that
24 time.
25 MR. SCHMIDT: Okay, okay. So, that would have been

around, around 2000 or about that, that time frame?

MR. WEINSTEIN: Probably around 2002.

MR. SCHMIDT: Okay and, and you think that tent has been removed on one or more occasions since you first saw it in 2002 until now?

MR. WEINSTEIN: Bill Clowney, when he testified at the original hearing, said that in 2004 that he had taken down the tent and replaced it. And to me, that coincides with the pictures and the different orientation. But I believe the tent was not there when I moved in.

MR. SCHMIDT: Okay. You, do you have a transcript of the prior testimony? Because that's not what Mr. Clowney said.

MR. WEINSTEIN: I do not have a transcript with me.

MR. MCCANN: I have it.

MR. WEINSTEIN: But you do.

MR. MCCANN: I have it. We can provide it to the Board.

MR. SCHMIDT: Okay, okay. All right. Okay. I don't have any other questions. Thank you, sir.

CHAIR: Any questions from the Board?

MR. LAUER: I do not.

CHAIR: Okay. Mr. Weinstein, thank you very much. We appreciate your contribution. We appreciate your patience all day long and we certainly thank you for your testimony. Thank you, okay?

MR. WEINSTEIN: Thank you for the time hearing this on our behalf.

CHAIR: Sure. Okay. So, I'm going to put you back to where you were. Okay. Mr. McCann, another witness?

MR. MCCANN: Yeah, thank you. I'll, I'll try to go through these quicker. I think they will be quicker.

CHAIR: Take your, look, if we have to come back or we have to go late today, we'll, we do whatever we need to do to make sure your, you get to present your case, okay?

MR. MCCANN: I appreciate it. But I don't foresee that happening at all. So, --

CHAIR: Okay.

MR. MCCANN: -- just a couple more. So, I think I saw Doris Randall present. If she could be unmuted.

CHAIR: Okay. I'm going to make her a panelist, right?

MR. MCCANN: I'm not sure if she has a camera or not.

CHAIR: Okay, all right. Well, she's unmuted. Ms. Randall, can you hear us?

MS. RANDALL: Yes, I can.

CHAIR: Okay. Do you have a camera or are you just by audio?

MS. RANDALL: I do have a camera, but I'm not sure if I know how --

CHAIR: Okay. Well, we can do it by audio. That's

fine, that's fine.

MS. RANDALL: Okay.

CHAIR: Yeah. Okay, you need to be sworn.

MR. LAUER: Ms. Randall, please raise your right hand. Do you swear and affirm under the penalty of perjury, that the testimony you are about to give is true and correct to the best of your knowledge and belief?

MS. RANDALL: I do.

MR. LAUER: And please give us your full name, spelling your last name and give us your address for the record.

MS. RANDALL: My name is Doris Randall, R-A-N-D-A-L-L. I live at 40 Thomas Craddock Court, Pikesville, Maryland and that is in the Grey Rock community.

MR. LAUER: Thank you very much. You might try the stop video screen or start video on your screen.

MR. MCCANN: Do you see that, Ms. Randall, at the bottom? Well, I'm happy you got on. I know we were talking about (inaudible).

MS. RANDALL: Right.

MR. MCCANN: Is it okay if I go ahead?

CHAIR: Yes, please.

MR. MCCANN: Okay, all right. Thank you. Ms. Randall, can you see the screen?

MS. RANDALL: Yes.

1 MR. MCCANN: Okay, great. I'm going to show you what
2 I just showed Mr. Weinstein, and that is this map. Just
3 identify real quickly where it is that you live. I see, if you
4 don't mind me pointing it out, I see Thomas Craddock Court,
5 which is sort of behind or north, northwest, of the, the
6 mansion property. Is that where you live, in that area?
7 MS. RANDALL: Okay, bring your arrow to the left
8 where there's a circle, double circle, keep going.
9 MR. MCCANN: Yep.
10 MS. RANDALL: Okay. Now, angle down to the right
11 corner.
12 MR. MCCANN: Right here?
13 MS. RANDALL: Yep, that's me.
14 MR. MCCANN: Good, okay. So, you're, you're almost
15 due west of the mansion property.
16 MS. RANDALL: Yes, my patio backs up to the parking
17 lot side of the mansion, which is opposite from where the tent
18 is.
19 MR. MCCANN: Okay and how long have you lived there?
20 MS. RANDALL: I moved in in June of 1998.
21 MR. MCCANN: Okay and who do you live with, or who
22 have you lived with over that time?
23 MS. RANDALL: At that time, I moved in with my
24 husband. Sadly, he suffered a heart attack two weeks after
25 that, so, I'm widowed now.

MR. MCCANN: Okay. So, you said, I'm sorry, June 1998?

MS. RANDALL: Yes.

MR. MCCANN: Okay and you've listened to the hearing today, or most of it anyway?

MS. RANDALL: Yes, yes.

MR. MCCANN: Okay and you have a good understanding, you believe, of what is being proposed by the mansion and what is, what relief is requested?

MS. RANDALL: Yes, I think so.

MR. MCCANN: Okay. Did you also hear the testimony so far today about the tent structure?

MS. RANDALL: Yes, I did.

MR. MCCANN: And what, if anything, can you add to that discussion about when it was first at the mansion property? Do you have any knowledge about that?

MS. RANDALL: Yes. In, as I said, in June of 1998 when I moved in, the community was only half developed. I was a big walker in the community every day, I was working full-time at that time. So, I would walk in the morning and then usually in the evening.

MR. MCCANN: Um hm.

MS. RANDALL: Basically, through the whole community, including the mansion area, just about daily.

MR. MCCANN: Um hm.

MS. RANDALL: There was no tent when I moved in, period. Not temporary, permanent, small, large, there was no tent. Again, it was June, which I'm assuming was the height of wedding season.

MR. MCCANN: Um hm.

MS. RANDALL: So, periodically then there would be a tent, I guess, for lack of a better term, I'll call it a temporary tent, that would be put up for an event, might be there for a few days, may be there for a week to cover several events. But it was a tent that would be up and down, not something that was left for an entire season. That's how that progressed for a fairly extensive period of time.

MR. MCCANN: Okay.

MS. RANDALL: I really, I can't say when they, they then converted to a permanent structure. I, I just don't, it was definitely, we're talking at least a year, maybe longer before they got to that permanent structure. But until then, they were very temporary structures that would be up and down, as needed.

MR. MCCANN: Okay. Are you able to recall that at some point or I think you said that the term, the temporary, the tent became permanent. Are you able to tell us whether that was, whether that happened before or after 2000?

MS. RANDALL: I really could not say definitely a date but.

MR. MCCANN: Okay.

MS. RANDALL: No, I just could not do that.

MR. MCCANN: Okay, all right. Any other, any concerns that you have that you want to express to the Board based on what you've heard today and based on what relief is requested by the mansion?

MS. RANDALL: No.

MR. MCCANN: Okay. None that haven't been already said --

MS. RANDALL: Right.

MR. MCCANN: -- or none at all?

MS. RANDALL: No, no concerns.

MR. MCCANN: Okay. All right. Thank you, Ms. Randall.

MS. RANDALL: Okay, thank you.

MR. MCCANN: Appreciate it.

CHAIR: Any cross?

MR. SCHMIDT: Very briefly. So, Ms. Randall, you, so you moved in in the summer of 1998, correct?

MS. RANDALL: Yes.

MR. SCHMIDT: And you said you don't know when the permanent tent would have gone up, but I think you said initially maybe about a year after you moved in, you couldn't say for sure, is that correct?

MS. RANDALL: Yes.

1 MR. SCHMIDT: Okay. So, that would be then
2 consistent with what Mr. Skudrna said, that they actually put
3 the tent in in 1999, is that correct?
4 MS. RANDALL: Could be, yes.
5 MR. SCHMIDT: Okay, very well. Thank you, ma'am. I
6 don't have any other questions.
7 MS. RANDALL: Okay.
8 CHAIR: Anyone from the Board?
9 MR. LAUER: No.
10 CHAIR: Okay. Ms. Randall, thank you very much. I
11 don't need to repeat everything I said to Mr. Weinstein, but we
12 do, we do appreciate your participation. Absolutely.
13 MS. RANDALL: Thank you.
14 MR. MCCANN: Okay. Richard Soypher would be next.
15 CHAIR: All right. Richard Soypher, okay. Mr.
16 Soypher, can you hear us?
17 MR. SOYPHER: I can, I can.
18 CHAIR: Okay. Can you see us?
19 MR. SOYPHER: I can see you.
20 CHAIR: Okay. We can't see you for some reason.
21 MR. SOYPHER: Can you give me a second, see if I can
22 make this adjustment.
23 CHAIR: There we go. Yep, we see you now.
24 MR. SOYPHER: Thank you.
25 CHAIR: Yep, okay. You want to swear the witness,

Mr. Lauer?

MR. LAUER: Yes, sir. Raise your right hand. Do you swear and affirm under the penalty of perjury, that the testimony you are about to give is true and correct --

MR. SOYPHER: I will.

MR. LAUER: -- to the best of your knowledge and belief?

MR. SOYPHER: I do, thank you.

MR. LAUER: And please, give us your name for the record, spell your last name and give us your address.

MR. SOYPHER: My first name is Richard, and my last name is Soypher, S-O-Y-P like in Paul-H-E-R. I live at 20 Joanna Court in the community of Grey Rock and that is Pikesville, Maryland 21208.

MR. LAUER: Thank you, sir.

MR. SOYPHER: Thank you.

MR. MCCANN: Thank you, Mr. Lauer. Mr. Soypher, the property you just described, tell us where it is in relationship to the mansion property.

MR. SOYPHER: I live on Joanna Court, so if you want to go all the way to the upper left corner, well, to the left corner, the community there.

MR. MCCANN: Yep.

MR. SOYPHER: You see Joanna Court?

MR. MCCANN: Yep.

1 MR. SOYPHER: And go, all the way in the far corner,
2 all the way near you, far left corner. That's it, I live right
3 there.
4 MR. MCCANN: Okay, great. And how long have you
5 lived there?
6 MR. SOYPHER: I moved in in August of 1999.
7 MR. MCCANN: Okay and who do you live with?
8 MR. SOYPHER: I live with my wife.
9 MR. MCCANN: Okay and you've sat through both the ALJ
10 hearing as well as the Board of Appeals hearing today, correct?
11 MR. SOYPHER: I did, correct.
12 MR. MCCANN: And what's your, what, if any,
13 affiliation do you have with the Grey Rock Flats Condominium
14 Association?
15 MR. SOYPHER: I am the President of the Grey Rock
16 Flats and I've been in that position for approximately three
17 years. But I've been on the board since approximately 201.
18 MR. MCCANN: You say 201, you mean February 2001?
19 MR. SOYPHER: Yeah.
20 MR. MCCANN: Okay.
21 MR. SOYPHER: I entered the board, but I've been the
22 president for the last approximately three years.
23 MR. MCCANN: Okay. Are you testifying in your
24 individual capacity, as well as on behalf of the flats
25 condominium association?

1 MR. SOYPHER: That's correct.
2 MR. MCCANN: Okay.
3 MR. SCHMIDT: And Mr. Evans, I, pardon me, Mr.
4 McCann. I understand your prior ruling, but again, according
5 to the Department of Assessments and Taxation, Grey Rock, Grey
6 Rock Flats Condominium Council, Inc. is not a corporation or
7 entity in good standing in the State of Maryland. So, I don't
8 know how this witness could testify on its behalf. But I'll
9 just say that and shut up. Thank you, sir.
10 CHAIR: Okay. Well, that objection is noted. But
11 does this require rule eight documents for this witness.
12 MR. SCHMIDT: I, I, I would think so, as a community
13 association.
14 CHAIR: Yeah.
15 MR. MCCANN: Well, I'll ask him, I'll ask him to
16 testify as an individual just to avoid --
17 MR. SOYPHER: Can I, can I ask a question real
18 quickly, just curiosity as the President --
19 MR. MCCANN: It's okay --
20 MR. SOYPHER: Why are we classified not in good
21 standing? What does that mean?
22 CHAIR: Don't worry about that, Mr. Soypher. That,
23 that really doesn't matter.
24 MR. MCCANN: I'll just ask --
25 CHAIR: It's not relevant here, okay?

MR. SOYPHER: Okay, thank you. Thank you. I was just curious.

MR. MCCANN: You don't get to ask questions, unfortunately.

MR. SOYPHER: I understand, I was a little concerned.

MR. MCCANN: But just in your individual capacity, I want to ask you some questions, okay?

MR. SOYPHER: Sure.

CHAIR: Okay. So, now Mr. Soypher is testifying just as a resident of the community.

MR. MCCANN: Correct.

CHAIR: Okay, okay.

MR. MCCANN: Mr. Soypher, first of all, let's talk about the tent issue. What, if any, recollection do you have about when the tent structure first appeared and whether it stayed or not, etcetera?

MR. SOYPHER: Well, as I, as I mentioned before, I, my wife and I moved in here in August of 1999. Shortly thereafter, we started attending the, our monthly condo meetings and they were held at the mansion. I think one of the witnesses said that earlier, that they housed the meetings there.

And I did attend meetings there on a monthly basis. And during the beginning period of my attendance of meetings, I did not see a tent there. As time went on, there was a tent

1 there but not in the permanent structure, style that it is now.
2 MR. MCCANN: Okay. Can you give us a sense of, of
3 those sort of three time periods? That is when you saw nothing
4 there, when you saw something temporary there and when you saw
5 something permanent --
6 MR. SOYPHER: Well, I would say I started attending
7 meetings in September, a month after I moved in here,
8 September, maybe October. I'm not sure they had a September
9 meeting within a month or two in '99. And I attended the
10 meetings.
11 I did not see a tent at the back of the facility. We
12 met in the ballroom. Saw no tent through any windows, didn't
13 observe any tent on the property when I was walking up to the
14 property, either the side or the front.
15 I, I think I started, I saw a tent, some type of tent
16 there, not in this present form, in about 2/01, 2/01, 2/02. I
17 think you showed a picture of 2/02. But I saw around that
18 area, I saw a tent, not in the present formal state it is now,
19 as it, as showed.
20 MR. MCCANN: And how do you know that? Well, let,
21 let, let me clarify, what do you mean when you say not in its
22 present form when you did see it back in 2001 or 2002?
23 MR. SOYPHER: Well, when I saw it, it didn't have all
24 the wheels and, and bells that I could tell by it.
25 MR. MCCANN: Okay.

1 MR. SOYPHER: Looked outside, it was a very informal
2 type of tent, temporary tent, as Ms. Randall said. Right now,
3 it's more of a type of, more of a permanent structure, and more
4 bells and whistles to it.
5 MR. MCCANN: Okay and secondly, how is it that you,
6 you can recall these dates, given that they're so long ago --
7 MR. SOYPHER: In looking back at the records when I
8 first got on the board and trying to piece back my memory.
9 MR. MCCANN: Um hm, okay. And --
10 MR. SOYPHER: The best I can.
11 MR. MCCANN: -- when you were attending these board
12 meetings and you did not see the tent, did you, did you have
13 the opportunity to do so? I mean, how, how do we, how should
14 we, how are we to believe that you had the opportunity to do
15 so, not that you just didn't see it?
16 MR. SOYPHER: Well, I was attending our monthly board
17 meetings.
18 MR. MCCANN: Yeah.
19 MR. SOYPHER: (inaudible) into the mansion, that's
20 what drew me to the mansion.
21 MR. MCCANN: Yeah.
22 MR. SOYPHER: So, I was walking around looking out
23 windows at various angles from the, from the ballroom.
24 MR. MCCANN: Yeah.
25 MR. SOYPHER: I looked in the back a couple times and

didn't see any tent.

MR. MCCANN: Okay and you recall doing that?

MR. SOYPHER: Saw no structure, like a tent, a tent structure.

MR. MCCANN: Okay. Are you able to pinpoint at what point in time that the tent became permanent and had the bells and whistles, as you described?

MR. SOYPHER: I, I would, well, when it, its present state it is now, maybe 2/04, 2/05.

MR. MCCANN: Okay. So, it was some period of time where it was temporary before it became permanent?

MR. SOYPHER: That's correct.

MR. MCCANN: Okay. All right. Moving onto the other issues. I heard Mr. Weinstein, and you, you don't need to repeat anything he said, but do you have anything to add to what Mr. Weinstein said in terms of concerns about the relief that's been requested by the mansion?

MR. SOYPHER: Well, one, one of my issues is, he said it, but I'll try to talk quickly without being too redundant. I'm worried of the spinoff problem of allowing any type of residential in this property. I'm sure Baltimore County has other cases where they're trying to take people off of property and a spin, off a spinoff has occurred like this where it started for one purpose, has expanded to other purposes.

MR. MCCANN: Um hm.

MR. SOYPHER: I'm really not in favor of a residential person there for that reason. That's (inaudible) in my mind.

MR. MCCANN: Okay. Anything else you wanted to add?

MR. SOYPHER: No, I'm not going to re, re, go over anything else anybody said. I, I, I did find a couple things interesting. I did hear the owner's testimony and some other previous owner's testimony about some advantages we would get as a, having a resident living there, a caregiver living there.

MR. MCCANN: Yeah.

MR. SOYPHER: One of the points they mentioned that, that was that they'll be someone to help with events there. I believe they have supervision there already. They also mentioned, somebody mentioned the fact that it would help in medical emergencies.

Absent a doctor or a nurse being on, this caretaker, I don't see how that would play out. If they're providing supervision, that supervisor is just as capable as a regular caretaker of making arrangements to have a person addressed with a medical emergency.

As to about security, I think the previous owner mentioned to the affect that that would help our neighborhood as security. Well, everything that I'm going to mention to you, I understand is sort of in a limited sense, and I understand the value and the, the real value and the potential

value.

We live in a gated community. That means nothing by itself. But it is a deterrent for some people. We also employ guards at night in the front to cover the whole community for the benefit of the mansion, as well as the benefit of our residents. So, the mean to tell me that to have a caregiver there is going to provide an extra security for our residents, is I find to be somewhat of a foolish statement. I don't think it's accurately portrayed. So, I would make a comment on that, what advantage it would show for us.

I don't think I have anything else to say. I don't want to be, as I said, I don't want to be redundant. It's been a long day and (inaudible) --

MR. MCCANN: Okay.

MR. SOYPHER: -- (inaudible) made my point.

MR. MCCANN: Do you agree with Mr. Weinstein's comments about his concerns?

MR. SOYPHER: I do, I do --

MR. MCCANN: Okay.

MR. SOYPHER: -- have concerns about that. I do have concerns.

MR. MCCANN: Do you share his concerns, I guess, is my question.

MR. SOYPHER: I do share his concerns.

MR. MCCANN: Okay. Thank you, Mr. Soypher, I

appreciate it.

MR. SOYPHER: Thank you very much. Thank the Board. Thank you very much.

CHAIR: Thank you. Mr. Schmidt?

MR. SCHMIDT: Mr. Soypher, when's the last time you've been in the mansion?

MR. SOYPHER: In the mansion?

MR. SCHMIDT: Um hm.

MR. SOYPHER: I haven't been in the mansion since the last time we had condo meetings and I, minimally ten years, and I'm probably more than that.

MR. SCHMIDT: Okay. Do, do you know, sir, do you know where the ballroom is located in the mansion?

MR. SOYPHER: The room we were at was the back and the right, if I remember correctly. It's been a while, but it's back and right, but I got, okay. That's my answer to your question.

MR. SCHMIDT: Okay, that's the ballroom. Are you aware, sir, that you can't see the tent from the ballroom?

MR. SOYPHER: I'm not aware of it.

MR. SCHMIDT: Okay. If I told you that, would that surprise you? That you have to go through another door to get to another room to get to see the tent from, from there?

MR. SOYPHER: I don't have a good answer. I'll take you at your word.

1 MR. SCHMIDT: Okay. So, if that's correct and you
2 went into the ballroom for a meeting and couldn't see the tent,
3 then, then that wouldn't necessarily evidence the fact that a
4 tent was not there, would it?
5 MR. SOYPHER: Well, there's --
6 MR. MCCANN: (inaudible), go ahead, I'm sorry.
7 MR. SOYPHER: (inaudible) the answer to that is not
8 only did I primarily go into the main room to attend my
9 meeting, I also walked around the area when I was up there too.
10 MR. SCHMIDT: Ah, okay. I didn't hear you say that--
11 MR. SOYPHER: I did get a view of the outside. I did
12 attempt to look through the back. But I did walk around
13 because I was curious what type of property this was, what type
14 of facility they had, either for my own personal use to
15 recommend to a friend or family and the curiosity of being a
16 neighbor.
17 MR. SCHMIDT: Okay and you don't think having a
18 presence there twenty-four hours a day would help in the event
19 somebody tried to break in or if there was a guest there who
20 had a medical emergency who could call 911, that, that's not
21 helpful?
22 MR. SOYPHER: I don't think so. But can I, can I
23 answer besides yes? Would you allow me, okay --
24 MR. SCHMIDT: Sure, sure.
25 MR. SOYPHER: As I said before, they provide

1 supervision. That person, and everybody's got a phone in their
2 real world. Somebody could make that arrangement.
3 MR. SCHMIDT: How about at 3:00 in the morning when
4 nobody is there, and somebody tries to break in or there's a
5 fire or electrical problem? Would that be beneficial to have
6 somebody there then?
7 MR. SOYPHER: You're speaking of a possibility and
8 not the reality of it because they, Ms. Pomykala testified that
9 she has had no such problem at this time.
10 MR. SCHMIDT: Okay. So, she could never have a
11 problem --
12 MR. SOYPHER: Everything is, I would say, could be a
13 possibility.
14 MR. SCHMIDT: Sure.
15 MR. SOYPHER: Potential. But in reality, she
16 testified she hasn't had this problem up to this time and I
17 would, I would concur with her.
18 MR. SCHMIDT: Okay. Thank you, sir.
19 MR. SOYPHER: Thank you.
20 MR. SCHMIDT: I don't have any other questions.
21 MR. SOYPHER: Appreciate it.
22 CHAIR: Any questions from the Board?
23 MR. LAUER: No.
24 CHAIR: Okay, Mr. Soypher, you are excused. Thank
25 you. As with both Ms. Randall and Mr. Weinstein.

MR. SOYPHER: Okay. Thanks for your service.

CHAIR: (inaudible) your time and we appreciate your patience.

MR. SOYPHER: Thank you. Yep. Okay.

MR. MCCANN: Trying to get one, one person by phone while that was going on, Mr. Evans.

CHAIR: Okay.

MR. MCCANN: But I think Larry Levin, or Levin, I'm sorry, is on the phone, is, is on the Webex.

CHAIR: 8-6-8, 4-1-0-8-6-8?

MR. MCCANN: No, no, no, Lawrence --

CHAIR: Oh, Lawrence Levin, I see, I'm sorry. Okay.

MR. LEVIN: I'm (inaudible).

CHAIR: There he is.

MR. LEVIN: Good afternoon, gentlemen.

CHAIR: You've made your appearance here.

MR. LAUER: Would you raise your right hand, please? Do you swear and affirm under the penalty of perjury, the testimony you're about to give is true and correct to the best of your knowledge and belief?

MR. LEVIN: I do.

MR. LAUER: And please give us your name, spell your last name and your address for the record.

MR. LEVIN: My name is Lawrence, that's with a W, Levin, L-E-V as Victor-I-N. My address is 8823 Howard Forest

Lane, Pikesville, Maryland 21208.

MR. LAUER: Thank you, sir.

MR. MCCANN: Okay. Thank you, Mr. Lauer. Mr. Levin, I apologize for mispronouncing your name, I should know better. But let me share with you, if I could, the, the map we've all been looking at and real quick, just where in relationship to the subject property you live.

MR. LEVIN: Go due south and I'm in here somewhere. Let's see, Howard Forest.

MR. MCCANN: Right --

MR. LEVIN: Right about there, go, stop.

MR. MCCANN: Okay.

MR. LEVIN: Right in that area.

MR. MCCANN: Okay and you're, you're part of the villas, as opposed to the flats, right?

MR. LEVIN: That is correct.

MR. MCCANN: And by the way, how many units are in the villas?

MR. LEVIN: There are a hundred and fifteen units in the villas.

MR. MCCANN: Do you know how, how, how many there are offhand in the flats?

MR. LEVIN: One hundred sixty.

MR. MCCANN: Okay, great. And how long have you lived in the property you just described?

MR. LEVIN: Since 2017.

MR. MCCANN: Okay. Relatively recently and who do you live with?

MR. LEVIN: My wife.

MR. MCCANN: Okay and you've sat through the ALJ's hearing as well as this hearing, is that correct?

MR. LEVIN: That is correct.

MR. MCCANN: Okay and without repeating any of the concerns expressed by Mr. Weinstein and Mr. Soypher, do you have anything to add, or can you tell us, I guess, number one, do you agree with the concerns that they've expressed?

MR. LEVIN: I understand some of their concerns. What I would like to suggest here, and this was based on one of Mr. Schmidt's questions to Mr. Weinstein. Unfortunately, there is what I will call, I, I hesitate to say adversarial, but certainly the relationship between the, the mansion and the other parties, is, is possibly, may be one of distrust.

I appreciate that both sides today have presented their cases to the Board, and I thank you for, for your time. And I understand possibly much of what was presented is not relevant to the decision you will make as, as a zoning matter.

The concern that I have, and has been expressed to me by other residents, relates to a story possibly anecdotal, which came out when the zoning was first filed and it came as a surprise to everyone, the zoning request.

It was suggested that, rumored, whatever, that the alternative to the mansion getting the zoning variance that was being requested, they would sell, this would become a funeral home, it would become a, an assisted living facility. I don't know that that is the case. I don't believe that that is the case.

But the concern I have would be if the Board does decide, as it can, that a caretaker apartment is appropriate for this facility, that that permission be framed in such a way that any renovations necessary to create the apartment be limited to the apartment.

And that the permission, if granted, not be so broad as to permit, effectively, an infrastructure, a permit for infrastructure changes to electric, plumbing, etcetera. Such that the mansion could be converted to other use than, than a catering hall.

It is what it is now. And that frankly is the biggest concern that I personally have. The, you know, hopefully over time, relationships get better. That would be very useful for all parties concerned. I certainly appreciate the work that the Pomykalas are putting into renovating the mansion.

By the same token, it should be appreciated that the residents of the flats and the villas have a vested interest in preserving their own lifestyles as, as well as we can. So, I

1 guess on, on that note, I don't think that I have anything more
2 to say.
3 CHAIR: Okay. Mr. Schmidt?
4 MR. SCHMIDT: I don't have any questions, thank you.
5 CHAIR: Okay. Anyone from the Board?
6 MR. LAUER: No, sir.
7 CHAIR: Okay, all right. Mr. Levin, we will excuse
8 you with our thanks.
9 MR. LEVIN: Thank you, gentlemen. I appreciate your
10 time.
11 CHAIR: Okay.
12 MR. MCCANN: Okay, Mr. Evans, I did speak to one
13 other person who wanted to say something and I, while I don't
14 think it's necessary, I don't want to break a promise to her,
15 so.
16 CHAIR: No, no, no, yes, let's here from her.
17 MR. MCCANN: Could, could I have a moment? I don't,
18 I don't see her phone number. She was someone that could not,
19 doesn't have the capabilities to do it by computer. But I told
20 her to call in and --
21 CHAIR: Okay.
22 MR. MCCANN: But I've been trying to call her while
23 you guys have been talking and I haven't been able to reach
24 her, but can I take a two-minute break and give it a better
25 shot or --

1 CHAIR: Yes, absolutely.
2 MR. MCCANN: Okay, great.
3 CHAIR: We'll take, I'm going to go off the record
4 for five minutes and --
5 MR. MCCANN: And she would be our last witness.
6 Thank you.
7 CHAIR: -- and then we'll, we will --
8 MR. MCCANN: Okay.
9 CHAIR: Okay.
10 (PAUSE)
11 CHAIR: Okay. We are back on the record, and I
12 believe, Mr. McCann, you have a witness?
13 MR. MCCANN: I, actually I do not. I was able to
14 reach her, thank you for that. And she said she didn't have
15 any great urge to, to testify.
16 CHAIR: Oh, okay. Oh, well, I misunderstood you
17 then. Okay. So, do you have any other witnesses?
18 MR. MCCANN: We do, we do not.
19 CHAIR: Okay and Mr. Schmidt, do you have any
20 rebuttal witnesses?
21 MR. SCHMIDT: I do not.
22 CHAIR: Okay. Well, then that concludes the hearing.
23 So, what we need to do, I guess, is establish a briefing
24 schedule.
25 MR. MCCANN: Okay.

CHAIR: And I, I don't want to pressure anyone. This is a tough time of year with the holidays. So, does anyone want to suggest a date? I, I, if left to my own devices, I would probably say January 9th, or, or January 6th or maybe January 9th. Something like that, but what --

MR. SCHMIDT: Mr. Evans, I just, I was talking to my client when I had you on mute. I know there had been a question about the size of the apartment. And during the lunch break we did try to take a look at that. If I could have Ms. Pomykala just answer how big we think it is square footage, if that would be helpful to the Board.

CHAIR: I think, I mean, I think we figure it's around six hundred square feet or something.

MR. SCHMIDT: Yeah, it's about, it's about, I'll just proffer, if, Mr. McCann, if it's okay, --

CHAIR: Okay.

MR. SCHMIDT: -- it's about eight hundred square feet.

CHAIR: Eight hundred square feet, okay. All right.

MR. SCHMIDT: That would be her testimony. We, we looked at it and tried to be a little more accurate than twenty-five percent of the floor area.

CHAIR: Right. Okay, all right. So, we'll, we'll accept that proffer of twenty-five, as, as eight hundred square feet.

MR. SCHMIDT: Okay, thank you.

CHAIR: All right.

MR. MCCANN: But, yeah, Mr. Evans, the 6th or the 9th is fine with me. I, I agree that would be much better than before the new year.

MR. SCHMIDT: And that's fine with me, Mr. Evans. I think, just looking at the calendar, what days of the week is that, Mr. Evans?

CHAIR: Well, the 9th is a Monday, the 6th is a Friday.

MR. SCHMIDT: It doesn't matter to me. I, I actually think I'm going away for the week on the, for the 7th, just to be out of town. So, I could file it before I leave or have my staff file it on Monday. I'll leave it up to Mr. McCann, it's whatever he wants to do. Or --

CHAIR: Which, which day would you prefer? You want to work that weekend, or do you want to have it done by that weekend?

MR. SCHMIDT: I'm going to have it done by that (inaudible).

CHAIR: (inaudible), Mr. McCann.

MR. MCCANN: You know, I always want to take the time if it's there, so just --

MR. SCHMIDT: January 9th?

MR. MCCANN: Yeah, that'd be great, thank you.

CHAIR: Okay, all right.

MR. SCHMIDT: Okay.

CHAIR: Okay.

MR. SCHMIDT: Close of business on January 9th, Mr. Evans, right?

CHAIR: Correct.

MR. SCHMIDT: Okay.

CHAIR: Although I think actually, I think, I think it's better to say 3:00.

MR. SCHMIDT: Three o'clock. I think that's what Ms. Cannington always says to us.

CHAIR: Yes, I think that --

MR. SCHMIDT: Have it at 3:00.

CHAIR: Three p.m.

MR. SCHMIDT: Okay. That's fine.

CHAIR: Is there anything else we need to discuss or take into account or --

MR. MCCANN: Oh, I'm sorry. Exhibits, Mr. Evans.

CHAIR: Exhibits, yes. Yes, yes.

MR. MCCANN: Yeah, and I think --

MR. SCHMIDT: Mr. McCann, can we exchange exhibits and, and if, if, if we have any problem with any of them, I think I've disclosed all mine. But if we have any problem with any of them, we could alert the Board. I, I don't think, from what I've seen of yours, they appear to be photographs and public documents, unless there's something else that you have

in there that you haven't really referenced, that I have a problem to any of them.

But I know it's been unfortunate that there's no requirement we exchange them in advance. We probably should have done that in this case. But I'm happy to take a look at yours in the next day or two and I'll send you mine. And Mr. Evans, if there's an issue, we can let you know. I don't think there will be, quite honestly.

CHAIR: Yeah, okay. Well, that's, that's acceptable. And again, Mike, I indicated I think to Mr. McCann earlier with regard to your exhibits I would tilt rather significantly towards admitting all of Mr. McCann's as well, so.

MR. MCCANN: Yeah, I'm, I'm okay, including the last Exhibit 11, I'm okay with all of those, Mr. Evans.

CHAIR: Okay.

MR. SCHMIDT: Okay.

MR. MCCANN: If we could avoid the need to do that, I'm sure you have other things to do. The only thing, all my Exhibits 1 through 19, have all been referred to, with the exception of number three, which is the zoning map from 1996, which doesn't really, what I did want to, maybe what I could do, I, I've since found the zoning map for 2000.

And I think Larry would agree, that's the, that's the zoning map we should all be working off of. So, I'll send that to Larry. But the, the zoning map from 2000 would be my

Exhibit 3 in place of the 1996 one.

CHAIR: And is that the map that incorporates the CZMP --

MR. MCCANN: Correct, yeah.

CHAIR: -- pages?

MR. SCHMIDT: I, I, I will tell you Mr. McCann, there's one, I don't know if you got it from My Neighborhood, but I think the one from 2000, I, I'm not sure that's accurate and I noticed actually a disclaimer at the bottom of that, because I looked at that. Why don't you, before you substitute it, send it to me and I'll take a look at it, and we can talk.

MR. MCCANN: I, I think, you know what? I'll, I'll just, we already, I think the Board is, is already aware, it's already in evidence that the operative date is when it is, when the maps were passed in, in late 2000. So, it, I'll just remove Exhibit 3 altogether.

MR. SCHMIDT: Okay.

CHAIR: Okay.

MR. MCCANN: And then lastly, number sixteen were some letters that were introduced below that are folks in the community. And I would, that's the only exhibit I would, that I don't think I've referenced. Actually, I'm sorry, number eleven are --

(RECORDING GOES MUTE - ONE MINUTE OF DISCUSSION UNABLE TO TRANSCRIBE)

CERTIFICATE OF TRANSCRIBER

I hereby certify that the hearing in the matter of Grey Rock Properties, case number 21-273-SPHX, heard before the Board of Appeals for Baltimore County, November 30, 2022, were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers 1 through 250 constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness thereof, I have affixed my signature this 2nd day of January 2023.

Christine R. Leary

Christine R. Leary
Transcriber