

**BOARD OF VARIANCES AND APPEALS
REGULAR MEETING
APRIL 28, 2011**

(Approved: 5/12/2011)

A. CALL TO ORDER

The regular meeting of the Board of Variances and Appeals (Board) was called to order by Chairman Kevin Tanaka at approximately, 1:31 p.m., Thursday, April 28, 2011, in the Planning Department Conference Room, first floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

A quorum of the Board was present. (See Record of Attendance.)

Chairman Kevin Tanaka: Calling the meeting of the Board of Variances and Appeals to order. Let the record show we have a quorum of six Members. It is now 1:31. Let's see. Agenda items, just to take this first item out of order, Item C, Unfinished Business.

C. UNFINISHED BUSINESS - Orientation

1. **County of Maui Sexual Harassment Policy**
2. **Area Variances**
3. **Use Variances**
4. **Rules of Practice and Procedure for the Board of Variances and Appeals**
5. **Title 12, Streets, Sidewalks, and Public Places, Maui County Code (MCC)**
6. **Title 16, Buildings and Construction, MCC**
7. **Title 18, Subdivisions, MCC**
8. **Title 19, Zoning, MCC**
9. **Ethics**
10. **Sunshine Law**
11. **Discussion of Boards and Commissions Booklet distributed by the Department of the Corporation Counsel**
12. **Maui County Charter**
13. **Chapter 91, Administrative Procedure, Hawaii Revised Statutes (HRS)**
14. **Chapter 92, Public Agency Meetings and Records, HRS**

Chairman Tanaka: The Department would like to defer that item to the May 12th meeting since that would be the only item on the agenda, and we should have all three of the newest Members here. Okay, back, Public Hearings, Item B. Trisha?

B. PUBLIC HEARINGS

1. **LAWRENCE N. C. ING, ESQ. of ING & JORGENSEN representing TIMOTHY GARY HALONA MEDEIROS, URSULA MEDEIROS, MICHAEL Y. H. LAU and ROSEMARY FRANCINE MALANI LAU requesting a variance from Maui County Code, §18.16.230 to allow a proposed 10,111 square foot flag lot, which includes an approximate 1,441 square foot flag stem, to be less than the**

minimum lot area within the County's R-3 Residential District whereby the minimum lot area shall be 10,000 square feet, excluding the lot area of the flag stem, for a three (3) lot subdivision (Wahikuli Houselots; DSA File No. 4.867) for property located at 186 Wahikuli Road, Lahaina, Maui, Hawaii; TMK: (2) 4-5-014:027 (BVAV 20110005).

Ms. Trisha Kapua`ala read the item into the record.

Ms. Kapua`ala: And I do have a short presentation for the Board. Here is the subject property. Can you see? This is Honoapiilani Highway. Actually, this map is better. Again, Honoapiilani Highway, Wahikuli Road. The subject property is on the corner. I don't have the subdivision map in digital form today, but it's in your application.

Chairman Tanaka: Yeah, it's in our packets.

Ms. Kapua`ala: So if the Board needs to, I'd be happy to bring up this imagery that you can see the surrounding area, if it helps to make your decision. And that's all. And other than, Mr. Ing is in the audience.

Chairman Tanaka: Mr. Ing, excuse me, just to put on the record that the civil engineering consultant to the applicant is a direct family relation of mine. I've discussed this Corp. Counsel and there should be no conflict. Mr. Ing?

Mr. Lawrence Ing: Thank you. Good afternoon, Chairman Tanaka and Members of the Board. That's about the shortest presentation I ever heard. But I'm Lawrence Ing representing the applicants in this variance request. Also, present this afternoon: Timothy Medeiros and his wife, Ursula; next is Rosemary Medeiros Lau from Oahu who is Timmy's sister and a co-owner of the property. And also, should you grant this request, the beneficiaries would be his son, Timothy, Jr. And he would be receiving Lot B and Vernon Medeiros would be receiving Lot A, and Rosemary who would be receiving Lot C, which presently has the home that you see on the pictures.

Thank you for the opportunity of making the presentation today. Thank you also to the staffs of the Planning Department and the Public Works Engineering Division for helping us get this to this point, and special thanks to Trisha.

If I may go—just a short history of the property? This property was subdivided by the Territory of Hawaii in 1925. At that time, Timothy and Rosemary's grandfather, Thomas Medeiros, purchased the property and completed paying for it in 1929. So he got his deed. In 1962 as a wedding present, Thomas gave the property to Timothy and Rosemary's parents, Albert and Daisy Medeiros. Both Timothy and Rosemary were raised in the home, which recently had been renovated by Rosemary. And if this variance request is granted, it will allow the property to be kept in the Medeiros Family for another generation, and allow the sons to raise their families in Lahaina.

Why are we here? The need for the variance came about I believe in the 1970s when you saw a lot of subdivisions where flag lots were created. You may see some three or four-lot subdivisions where to get to the back lot, you had a long what we call a pole part or a stem part of the property extending all the way. And sometimes the pole part was almost as large a square footage as the

back lot that was going to be used for a house. In the 1980s, the zoning ordinance was amended to say when you calculate the lot area, do not include the flag pole or the stem part of the lot. So we got caught in this situation. The property is more than 30,000 square feet. So if you divide it by three, that's 10,000-plus per square foot. But by having the lots as designed where you have the house on one lot for Rosemary, and then you have another lot on the left side, then you have the lot in the middle, and that's where the stem portion of the lot. And it's not, you know, the typical flag pole where it's like the flag and you have the long pole. It's just a very short stem, but just the size of the stem, the width and the length created this problem, which I think was about 1,300, 1,400 square feet. So you subtract that from the 10,000 square feet minimum, now we short because we only have about 8,600 square feet. But if you think about it, 8,600 square feet itself is larger than lots in the R-1 residential district, which is 6,000 square feet minimum. R-2 residential districts require 7,500 square feet lot minimum. And this lot is bigger than those and there's a lot of area, lot of good flat area where a house can be built for a family to be raised.

We believe our request is reasonable. We've gone to the neighbors more than twice. We've asked them, do they have any questions. Do you support our request? And all of them have said yes. And some of them have gone so far as to even sending letters of support. We believe – well, we gave them samples, and we understand probably a handful of them did submit letters of support. We'd be happy to answer any questions.

Mr. Bart Santiago: I have a question. I grew up in Lahaina. Where is this in relation to the – there's a Veterans Hall there isn't it up that street?

Unidentified Speaker in the Audience: The next door over.

Mr. Santiago: Next door over.

Unidentified Speaker in the Audience: Fleming Road.

Mr. Santiago: Oh, Fleming Road, okay.

Mr. Ing: Yeah, some of you may recall, it's on Wahikuli, but it's almost like a dead-end, yeah, where the lot is or doesn't bother – wouldn't bother any neighbors if this request was granted.

Mr. Santiago: And this is at the end of the road adjacent to the Plantation Road?

Mr. Ing: That's correct. I believe the Plantation Road is a State road. And then you have, I guess, the land that's fallow now, yeah.

Mr. Ray Shimabuku: Mr. Chair, I guess this is a comment for Trish. Is there a drawing that would indicate the separation of the lot as Mr. Ing described?

Ms. Kapua`ala: As a part of your staff report, Exhibit A, there should be a stapled document with Mr. Ing's letterhead, Law Offices of Ing and Jorgensen.

Mr. Shimabuku: But it doesn't show one map of actually how it would look like separated.

Ms. Kapua`ala: The last pages, there is a 11 by 17 folded subdivision map on the third page. Yes, sir.

Mr. Shimabuku: Oh, okay. I see'em. Thank you.

Ms. Kapua`ala: Mr. Chair, the Department would also like to add into its record a copy of the TMK map of the subdivision so that the Board can see the subdivision of land as the way it exists now as far as how many lots are already subdivided, and how many large lots are still left.

Mr. Ing: You might see, there are a lot of – the lots already subdivided into flag lots, into smaller lots. And we believe most of those lots were subdivided before the ordinance was amended.

Chairman Tanaka: Yet the – well, I guess, your vicinity map shows some of those. The TMK that you have up there now, Trish, is updated. So there are – are there a significant number of subdivisions that have occurred since this map was created?

Ms. Kapua`ala: The Department did not research – the Department of Planning did not research how many – when these subdivisions occurred as far as prior to the code amendment as Mr. Ing referred to in the '80s.

Chairman Tanaka: Okay. Does the Department of Public Works–? You know, we have their report, but it's a typical staff analysis. Do they have any opinion or recommendations?

Ms. Lesli Otani: The Department is not objecting to the variance request. And there has been, I believe, two subdivisions recently in the area. I think they're on corner lots so there is plenty of access. And I don't believe a variance was requested for them, but there's been about two in the last three years.

Chairman Tanaka: Thank you. Board Members, any other – any questions? Any comments? Any discussion?

Mr. Santiago: I have a question on the subdivision. So on this page 3, so will there be a road bisecting Lot 13-B and 13-C leading to 13-A?

Mr. Ing: It would be a private driveway.

Mr. Santiago: Private driveway? Okay.

Chairman Tanaka: So, Mr. Ing, just to make it clear, the actual lot is probably 35,000 probably, square feet?

Mr. Santiago: 34,700.

Chairman Tanaka: Oh, sorry. Yeah, so it's – you're just under the number then.

Mr. Ing: There's also a road-widening lot. That's lot – on the top of the map, 13-D.

Chairman Tanaka: Yeah, so you're giving up 359 square feet.

Mr. Ing: Right.

Mr. Santiago: I have a question on the recent subdivisions. Were they to split to three lots like this or do we have information on the recent subdivisions?

Ms. Otani: I'm just going from memory, but it was to create from one lot into two. So because there was plenty of frontage, they just made rectangular lots.

Chairman Tanaka: Board Members, any other questions? Discussion? Can we entertain a motion from the Board?

Ms. Rachel Ball Phillips: I'd like to make a motion that we go ahead and approve the variance. I think that the applicant has met the criteria for the variance based on their testimony today and their application that was submitted. I would like to request that we include a hold harmless agreement, but waive any insurance requirement.

Chairman Tanaka: Oh, sorry about that. Before we continue, sorry, let's table the motion for a second here. I apologize. Is there anyone who wishes to testify from the public on this matter? Seeing none, the public testimony portion of this item is closed. And we have a motion before us. Do we have a second?

Mr. Shimabuku: I'll second.

Chairman Tanaka: It has been moved and seconded, and third, that the variance be granted with the standard hold harmless agreement without any additional insurance, and referring to the applicant's submittal for justification of the variance. All those in favor, please say aye. Any opposed?

It was moved by Ms. Phillips, seconded by Mr. Shimabuku, then

VOTED: That the variance be granted with the standard hold harmless agreement without any additional insurance, and referring to the applicant's submittal for justification of the variance.

**(Assenting: R. Phillips, R. Shimabuku, P. De Ponte, J. Haraguchi,
B. Santiago.)**

(Excused: S. Castro, B. Vadla, R. Tanner)

Chairman Tanaka: **Motion passes.**

Mr. Ing: Thank you very much on behalf of the Medeiros Family and the Lau Family. Again, thank you.

Chairman Tanaka: Next item on the agenda, Trisha?

2. **WAYNE I. ARAKAKI of WAYNE I. ARAKAKI ENGINEERING, LLC representing GORDON U. YOSHIZAWA requesting a variance from Maui County Code, §16.26.3304 to delete the requirement to dedicate approximately five (5) feet of property along Mill Street, improved with curbs, gutters and sidewalks for the Yoshizawa Subdivision (DSA File No. 3.2030) located at 1760 Mill Street, Wailuku, Maui, Hawaii; TMK: (2) 3-4-020:006 (BVAV 20110008).**

Ms. Kapua`ala read the agenda item into the record.

Ms. Kapua`ala: You may be familiar with this property. This is Wailuku Town. This is Main Street coming up towards Iao Valley. So to get to the property, you would either turn right on Kaniela or Central, come down Mill Street. This is the Mill Yard Industrial area. Mr. Yoshizawa's property is located next to Tasty Crust. Let me give you a Google Earth image. Again, this is 1760, Wailuku. Oh, no street view. Let's see how far we can get. This is too far. I think that was enough for you.

Chairman Tanaka: Yeah, we have the colored photos that was in our packet.

Ms. Kapua`ala: Great. Thank you. Representing the Department of Public Works is Lesli Otani, Civil Engineer, for the Engineering Division of DSA, and in the audience you have Mr. Arakaki.

Mr. Wayne Arakaki: . . . (inaudible) . . .

Ms. Kapua`ala: Oh.

Mr. Arakaki: Good afternoon, Members and Board. My name is Wayne Arakaki and I'm representing Gordon Yoshizawa. His property is located on Mill Street between Ace Printing and Tasty Crust. That building originally was built by Fuku Construction many years ago. And since then, there was a building that was fronting Mill Street that was demolished and then another building was built in the back of this particular building, but the square footage remained the same. The green roof is where is the new building. The black and white is actually the existing building. There was like a warehouse or garage type of facility. On to the right is Ace Printing. If you notice, the Ace Printing Building is also built close to Mill Street. And Tasty Crust on the left side, they have this parking that's abutting the Mill Street. And, you know, many times people just reverse out Mill Street and then get out from Tasty Crust. The property is about 18,000 square feet. It's a commercial property. Mr. Yoshizawa does body and fender work. And what triggered the improvements on Mill Street was that he made a new building. So that was the requirement that roads – the curb, gutters, and sidewalks, and a five-foot roadway dedication was required for this property. The problem is that the building on the far right, the existing building, is within that five feet. So it would be necessary to demolish that wall and bring that thing in, in order to – so we can do the road-widening improvements.

I did talk to some of the neighbors in that area. And Ace Printing, in particular, did not want curb, gutters, and sidewalks. I guess, you know, he felt that he would be doing that also, you know, in the future. So other than that, nobody else has made a complaint or anything, or had any kind of concerns about the project or this variance.

So what we're requesting is we wanna sign one agreement with the County saying that upon

demand, in other words when the Mill Street is gonna be improved that the owner is gonna apply for a subdivision for road-widening, and he's gonna pay his fair share of whatever that cost is gonna be for, you know, fronting his property. So it's just like being deferred and not being done at this time. So if you have any questions, I'm available. Yes?

Mr. Patrick De Ponte: Did Tasty Crust have this same problem? Was he approached?

Mr. Arakaki: We sent letters to Tasty Crust, but we didn't get any response, but, you know, his building is actually grandfathered in. So until there's a major building permit application, he's not required to do that.

Chairman Tanaka: I have a question. I guess – well, it's Public Works. Part of the staff comment was should the variance be granted, you know, an agreement to subdivide a road-widening lot, remove all obstructions, you know, as part of their report. What is the procedure had this not – had this building not have been built? What does Tasty Crust do when – whether it be 20 years or 50 years from now that the County decides to improve Mill Street? There are a lot of properties along Mill Street especially, on that side that it would be physically impossible to just do it, right? I mean, Ace Printing's building would be affected and– What is the procedure, I guess? Do you—and I'm not sure about this, that's why I'm asking, you know—condemn properties or does the County have the ability or right to demand a dedication, a road-widening lot?

Mr. Ty Fukuroku: I guess if it came to it, we could. I've seen it once. It's very rare.

Chairman Tanaka: But it wouldn't – I mean, is part of the procedure to say, okay, we wanna do the improvements? The County is requesting you to dedicate so many feet of your property, or demanding it, or—?

Mr. Fukuroku: Like in their case, like they would have the agreement. I guess we would have to go along the right-of-way, see who else has this type of agreement. Then, at least we can collect some money to do it, and then we'd just go and do it. And if we need the extra right-of-way, you'd have to go through condemnation. And the wall, maybe they could design it so that it fits within the existing right-of-way and maybe just add curbs, gutters, sidewalk.

Chairman Tanaka: Okay. Mr. Arakaki, you said that the – you will have – you are willing to put together an agreement with the County to defer any improvements or – so that when the day comes, if the day comes, that this does happen, you have an agreement with the County? Is that what you said?

Mr. Arakaki: Yes. It would be an agreement with the landowner and then the County stating that one day that Mill Streets were to be improved, and the County required say, five feet, the applicant – I mean, the landowner would go to the County, and then have the thing subdivided out. And whatever cost that's, you know, for his frontage improvements, curbs, gutters, and sidewalks, that he would pay his fair share. And it's a standard kinda thing with other projects. I know that when we're doing lower Main Street, it's a good example. Some people, you know, decided to do that kind of agreement, but others decided to do improvements. The only problem is that when they do improvements, the County for some reason, or maybe it's Federal, or whatever, they usually rip everything up and start brand new. So, you know, sometimes I feel like it's kinda waste of money

to do piecemeal improvements. It's best to do it all at one time.

Chairman Tanaka: Okay. Question for you, James. An agreement of this sort, what Mr. Arakaki just described, legally – or is this common practice? I know that it does happen.

Mr. James Giroux: The County, you know, they understand the situation so there's a lot of things like when you look in your family subdivisions, we have these types of things that are delayed. What's important is that these agreements not only are entered into, but they're recorded on the property so that if they're ever sold that the County isn't put in the position where now we have to pay for something that we should've got for free.

Chairman Tanaka: Okay, thank you. Board Members, any questions for Public Works or the applicant? Any discussion? With that, anybody with a motion?

Mr. Shimabuku: I'd like to make a motion based on the information provided by Mr. Arakaki and the applicant to grant the variance.

Chairman Tanaka: Sorry. Sorry, Ray. I'm new at this. Can I table your motion again? Sorry. Is there anybody in the public who would like to testify on this matter? Seeing none, public testimony is closed. Okay. Go ahead, Ray.

Mr. Shimabuku: And also, with the standard conditions of a hold harmless.

Chairman Tanaka: It's been so moved. Do I have a second?

Mr. Giroux: Does that include the agreement?

Mr. Shimabuku: Yes, including the agreement, whatever they agreed to with the County.

Chairman Tanaka: So it has been moved and seconded that we would approve this variance with the conditions stated by the applicant and our usual hold harmless agreement between the applicant and the County.

Ms. Kapua`ala: Mr. Chair, with the purposes of drafting the final decision and order, what should I call this agreement? Mr. Arakaki, maybe you could help us, or maybe Ty from DSA? What kind of agreement is conditioned upon the granting of this variance besides the hold harmless?

Mr. Arakaki: Future road-widening agreement, future road-widening improvements. Excuse me?

Chairman Tanaka: Yes, go ahead.

Mr. Arakaki: You know, because actually, everything is gonna be the same, we wanna waive the insurance, too, if there's any insurance requirement.

Chairman Tanaka: Yes, we will – at this point, we are not including any insurance.

Mr. Shimabuku: No insurance.

Mr. Arakaki: Okay, thank you.

Chairman Tanaka: So for your record, Trish–

Ms. Kapua`ala: Ty is looking for what it could possibly–

Chairman Tanaka: If there's a standard terminology to be used?

Ms. Kapua`ala: Yes. So in enforcing this, we would not – the variance would not be in place until the hold harmless is signed, recorded, and this agreement is also signed and submitted to our Department so it's on record that – this agreement.

Mr. Fukuroku: . . . (inaudible) . . .

Ms. Kapua`ala: I've heard from Ty. It's called a deferral of subdivision road improvements – and road improvements.

Mr. Giroux: And, Trish, that agreement should not only be with the Departments, but it should also be filed with the Bureau.

Ms. Kapua`ala: Okay, and recorded with the Bureau of Conveyances in addition to the hold harmless agreement. Thank you.

Chairman Tanaka: Okay, with that being said–

Mr. Santiago: I'll second.

Chairman Tanaka: It's been moved and seconded to approve with the correct terminology that was just repeated by Trisha. All those favor, say aye. Any opposed?

It was moved by Mr. Shimabuku, seconded by Mr. Santiago, then

VOTED: To approve this variance with the conditions stated by the applicant, and the usual hold harmless agreement between the applicant and the County, and with the corrected terminology as stated by Planning Department Staff.

(Assenting: R. Shimabuku, B. Santiago, R. Phillips, P. De Ponte, J. Haraguchi.)

(Excused: S. Castro, B. Vadla, R. Tanner)

Chairman Tanaka: **The variance is granted with those conditions.**

Mr. Arakaki: Thank you very much. Thank you.

Chairman Tanaka: Thank you. Next item on the agenda, Communications, Item D, Trisha?

D. COMMUNICATIONS

1. **SVO Pacific, Inc., appealing the Director of the Department of Public Works' decision that Building Permit Application No.'s B T2008/0972-0977 does not comply with Maui County Code, §18.04.030 for Westin Kaanapali Ocean Resort Villas Lot 3, "North Beach Subdivision," TMK: (2) 4-4-014:005 (por.) located at Kaanapali, Maui, Hawaii. (BVAA 20090004)**

- a. **Appellant's Withdrawal of Appeal**

Ms. Kapua`ala: Oh, this is the SVO Pacific's appeal of the Director of Public Works' decision that this subdivision's community plan zoning and State land use designation was not conforming or consistent, and therefore, subdivision couldn't be granted. With the— The new Director reversed the decision that the previous Director had made, and they have withdrew their appeal, and the document is before you.

Chairman Tanaka: Next item, Item E, the April 14th 2011 meeting minutes, which was just a semi partial orientation.

E. APPROVAL OF THE APRIL 14, 2011 MEETING MINUTES

Chairman Tanaka: I need a motion to approve.

Ms. Phillips: I'll move to approve the minutes.

Chairman Tanaka: It's been so moved. Do I have a second?

Mr. Shimabuku: I'll second.

Chairman Tanaka: And seconded. Any discussion regarding the meeting minutes? None? All those in favor of approving, please say aye. Any opposed?

It was moved by Ms. Phillips, seconded by Mr. Shimabuku, then

VOTED: To approve the meeting minutes of April 14, 2011, as presented.

**(Assenting: R. Phillips, R. Shimabuku, B. Santiago, P. De Ponte,
J. Haraguchi.)**

(Excused: S. Castro, B. Vadla, R. Tanner)

Chairman Tanaka: **Minutes approved.** Item F, Director's report status.

F. DIRECTOR'S REPORT

1. **Status Update on BVA's Contested Cases**

Ms. Kapua`ala: You'll see your new letterhead.

Chairman Tanaka: That was quick.

Ms. Kapua`ala: And the only– I have two things to report. You have an appeal of a notice of violation for a property in Happy Valley in Wailuku scheduled on May 26. This has no hearings officer, so you will be the hearings body.

And if you look on page 2, Item No. 4, which is the West Maui Village Appeal, you'll note that this is a 2007 appeal. And I have just heard from the now Deputy Director of Parks and Recreation that they could not come to settlement on this matter. The person that used to handle this for Maui Land and Pine is no longer with the company. I've asked – I followed up with them and they haven't gotten back to me how they wanna process this appeal. The Department would strongly urge for the Board to make some type of action to move this forward since it's from 2007. We wanna either process the contested case or dismiss it. Basically, force the applicant to act on it rather than to be a storage facility, and have them preserve the right to appeal. I did let Mr. Matsui know that this was what I was going to communicate with you today. Is there anything you'd like me to tell the applicant or the Department? Maybe, James, you could give us type of legal advice on this?

Mr. Giroux: As long as both parties are given the afforded notice of their hearing date, and it's done I believe 15 days or more ahead of the date of the hearing, then you'll be satisfying your due process obligation. It's gonna be – I mean, they filed their appeal. We're gonna give them an opportunity to present their case. If they fail to do that, then the Board can act on a default. So that's kind of where it's at. Otherwise, your agendas can end up getting very long with people filing appeals–

Chairman Tanaka: And dragging.

Mr. Giroux: And dragging. So it really is imperative that the parties, you know, be prepared to assert their rights. And again, your obligation is just to give them that opportunity.

Mr. Santiago: Could I just get clarification? Maui Land and Pine was contacted and they said the individual that was spearheading this is no longer with the company, and they're not pursuing it anymore, or are they still pursuing it?

Ms. Kapua`ala: They haven't gotten back to me as to – all they could tell me is she's no longer with the company.

Mr. Santiago: Okay.

Ms. Kapua`ala: They haven't gotten back to me. I wanted to know what they planned to do.

Mr. Giroux: Trish, what you might do is put that in writing. Get a letter to them and say that we are thinking of putting this on an agenda. And you might even give them a tentative date, and then send out an official notice.

Mr. Santiago: A certified letter.

Mr. Giroux: Yeah, through the certified process. And make sure that our – Corporation Counsel is also given notice, because I'm not sure if there's an attorney in our office who has even been notified yet that this is going on.

Ms. Kapua`ala: I think you're right. I don't think a request for legal service was transmitted to your office for a litigator to represent the Department of Parks and Recreation.

Mr. Giroux: That should be done ASAP.

Chairman Tanaka: And this is since 2007?

Ms. Kapua`ala: Yes.

Chairman Tanaka: Wow. Okay.

Mr. Giroux: So it seems like both parties are—

Ms. Kapua`ala: So I will go ahead and schedule – I'll work with Tremaine and schedule something, and then notify the parties. And I'm sure you'll be seeing some pleadings coming up. Thank you.

Mr. Santiago: Didn't we hear testimony on this case last year?

Ms. Kapua`ala: Yes, you're right. They did say that they were gonna try and work to settle it.

Mr. Giroux: That's what surprises me that Corporation Counsel hasn't been asked for service. That's kind of odd.

Ms. Kapua`ala: There were no attorneys. Just the applicant directly working with Pat Matsui, who was at that time the Chief of the Planning Division of Parks, who is now the Deputy Director, so it might be good.

Mr. Santiago: I remember that. There was a Council Member now that testified against it with passion.

Ms. Kapua`ala: West Maui? West Maui Council Member?

Mr. Santiago: Yeah.

Chairman Tanaka: Okay. And, Trisha, sorry, the first thing that you were talking about, was that on your list here that you said will be coming up soon?

Ms. Kapua`ala: Yes, Item No. 1, the Andres Building appeal.

Chairman Tanaka: Okay.

Ms. Kapua`ala: The Department of Public Works issued a notice of violation for Mr. Andres who installed two roll-up doors without first obtaining a building permit. It's that bay area that's located

right next to the laundromat in the vicinity of Takamiya Market.

Chairman Tanaka: Oh, okay. Yes. Okay.

Ms. Kapua`ala: So he's removed– He's appealed.

Chairman Tanaka: Alrighty. And that's for the – it's already been scheduled for the 26th?

Ms. Kapua`ala: Yes. So the only item we'll be handling at the next meeting will be the orientation.

Chairman Tanaka: Okay. Okay. So we'll be – now for – before we get to that, let me welcome Jacqueline to the Board. Jacqueline, if you wanna introduce yourself to–?

Ms. Jacqueline Haraguchi: My name is Jackie Haraguchi. I work for the Maui Contractors' Association, and a resident of Wailuku, and I'm glad to be on this Board. I hope I can help accomplish something.

Chairman Tanaka: Glad to have you aboard. If you wanna introduce – go around and–?

Mr. Santiago: Hi, Jackie. I'm Bart Santiago. This is my second year on the Board. I'm the Director of Finance at the Grand Wailea. Nice to have you on board.

Ms. Phillips: I'm Rachel Phillips. Welcome to the Board. This is my fifth year on the Board.

Chairman Tanaka: Hi, Jacqueline. I'm a landscape architect, born and raised on Maui. Been on the Board – this is going my fourth year, I guess. Just became Chair. This is my first official meeting as Chair. Can you tell?

Mr. De Ponte: My name is Patrick De Ponte. I'm a retired Long Shoreman. And this is my second meeting, so I'm looking forward for working with you people.

Mr. Shimabuku: Jackie and I know each other through the construction industry, so we know each other.

Chairman Tanaka: Welcome aboard.

G. NEXT MEETING DATE: May 12, 2011, Thursday

Chairman Tanaka: So the next meeting we'll have – it'll just be the orientation, so – but we do need a quorum. Ray said he's not gonna be able to be here, but with the two of you and Bernice, I will be here. So we just need someone else, if you would like to go through another orientation.

Mr. Santiago: I'll be here. I'm always here. Late, but I'm always here.

Chairman Tanaka: Alrighty. Is there anything else? Any discussion items? Okay, next meeting: May 12th for our orientation. Meeting adjourned.

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 2:15p.m.

Respectfully submitted by,



TREMAINE K. BALBERDI
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Members Present:

Kevin Tanaka, Chairman
Bart Santiago, Jr.
Rachel Ball Phillips
Ray Shimabuku
Patrick De Ponte
Jacqueline Haraguchi

Members Excused:

Rick Tanner, Vice-Chairman
Bernice Vadla
Stephen Castro, Sr.

Others:

Trisha Kapua`ala, Staff Planner, Planning Department
James Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel
Lesli Otani, Civil Engineer, Development Services Administration, Department of Public Works
Ty Fukuroku, Civil Engineer, Development Services Administration, Department of Public Works