

**BOARD OF VARIANCES AND APPEALS  
REGULAR MEETING  
AUGUST 22, 2013**

**(Approved: 9/26/13)**

**A. CALL TO ORDER**

The meeting of the Board of Variances and Appeals (Board) was called to order by Vice-Chairman Jacqueline Haraguchi at approximately, 1:30 p.m., Thursday, August 22, 2013, 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.)

Vice-Chairman Jacqueline Haraguchi: Today is Thursday, August 22<sup>nd</sup>, 1:30 p.m. And we'd like to call the Board of Variances and Appeals into session, and we'd like to go into Unfinished Business.

**B. UNFINISHED BUSINESS**

1. **RICK and DEBRA STRINI requesting a variance from Maui County Code, §16.04B.010 and Uniform Fire Code (1997), Article 9, §902 to delete the requirement of providing a 20-foot wide all-weather surface road, by adding a compacted gravel apron of five feet (5') on both sides of the existing 10-foot wide concrete road of Manawai Place, for the Manawai Homesteads Subdivision (DSA File No. 2.2806) located at 263 Manawai Place, Haiku, Maui, Hawaii; TMK: (2) 2-8-003:041 (BVAV 20130006). (Deferred from the August 8, 2013 meeting.)**

Ms. Carolyn Cortez read the agenda item into the record.

Vice-Chairman Haraguchi: Thank you. At this time, I'm asking if there is anyone out there that wants to submit public testimony.

Mr. Rick Strini: Well, the head of Manawai Association is here. He might speak, but in a second, maybe not right at the moment.

Vice-Chairman Haraguchi: OK. Public testimony is closed at this time.

Mr. James Giroux: Are you gonna call him as a witness?

Mr. Strini: Yeah.

Mr. G. Clark Abbott: Madame Chairman, may I request an executive session at this point in time?

Vice-Chairman Haraguchi: A second on an executive session?

Mr. Howard S. K. Kihune: I second.

Vice-Chairman Haraguchi: So moved. We are . . .

Mr. Giroux: Yeah, for discussion purposes, because this has been continued several times, I think you need to speak to your attorney about exactly where you guys are in the process to discuss your rights and liabilities. So we can't just take a few minutes just to make sure that we're all on the same page as to where we're at with this application. Discussion, anybody? And by law, we have to have two-thirds vote in order to go into executive session, so we have to take a vote on that.

It was moved by Mr. Abbott, seconded by Mr. Kihune, then

**VOTED: To go into executive session.**

**(Assenting: G. Abbott, H. Kihune, E. Espeleta, C. Fukunaga,  
R. Shimabuku.)**

**(Excused: R. Tanner, P. De Ponte, B. Santiago.)**

Vice-Chairman Haraguchi: **So moved.** So we're gonna go into executive session now. I guess if we could clear the galley for now, and then . . .

Mr. Strini: What does this mean?

Mr. Giroux: Just to explain, basically because a procedural matter as far as where we are as far as how far along we've gotten into the testimony and the evidence, we're just gonna discuss exactly so all of the Members . . . there's requirements of law when there's interruptions in the proceeding. And I need to make sure that the Board is aware of all of those requirements.

(An executive session was then taken at 1:33 p.m. and returned to regular session at 1:40 p.m.)

Mr. Giroux: Mr. Strini, I just wanna . . . as the Counsel, I just wanna explain what we did as far as going into executive session. Basically, the law requires that all the Members be privy to all of the information that was presented to them by you during prior hearings, if they were missing. There's verification that they did receive the minutes, and that they did read those minutes, and that they are prepared to hear further testimony from you regarding this case, and take further questioning for you and the agency. So at this time we are prepared to hear your further testimony and arguments, and to have further questioning of you and the agency.

Mr. Strini: OK. Fine. If I could get everybody to pull up their map like this because I'm gonna refer to it often? And I'm gonna be jumping around with a few pictures so as not to confuse you. And I'm gonna try and address a few things that was asked in the past.

So looking at the map . . . OK. Just to explain, this is Manawai coming down to the ocean. These are the subdivisions in question. My subdivision is right here. It's just come to my knowledge, further investigation of these four lots of whether or not they could be subdivided, technically speaking, they're five-acre lots. Technically, they could be subdivided. They . . . there are multi million-dollar homes on each parcel right now. The subdivision office told me that the likelihood of those ever getting subdivided are almost nil. So I'm just trying to explain that.

It's come to my attention that A, Lot A . . . Just for the sake of understanding, A, B, C, D, E, F, G. OK. Lot A which wasn't originally notified on my map turns out it has a . . . it's been CPR'd. So that

means it's gone through the Fire Department and ok'd. This lot is above me. This subdivision has gone through and it's been ok'd. Same with the Kelly Subdivision, O'Connor Subdivision, and then Vanderbilt. So as you can see by the simple image here, my lot, my subdivision, is dead center of all of these that have already been completed. That means that this roadway will not be serviced by these subdivisions. That means that I'm in the middle with the requirement to further upgrade this 341 square feet of roadway. It already has a 20-foot right-of-way. It has a ten-foot concrete roadway that's been in use for over 20 years. So my variance, quite simply, is I'm asking to be relieved of this condition because I'm gonna be an island here. It's not gonna do anything for public safety. It's not gonna achieve anything.

To further prove this spot, I've taken pictures of . . . from my property uphill to show how the road has been eroded down to as low as 16-foot wide. There's also concrete vaults up and down Manawai that will not change. And all the way down Manawai, there's various constrictions on Manawai. At the top of the hill, there's a gate, a stone gate, that's 16 feet wide. As you go down, and I can show pictures, it might just get complex, but my renovation of the road won't change anything. It's illogical. It's costly. And it's just . . . I would be the only one in the entire road doing anything since all these others have already passed all their conditions.

So I also had brought with me, Ron Richmond, head of the Manawai Association just to voice his opinion or their opinion on the expansion of development of this little 341-foot part of my road. And I'll put him on. He can say something right now.

Mr. Ron Richmond: I'm more here as a friend of Rick's.

Vice-Chairman Haraguchi: Can you hold on just one moment? You're out of order.

Mr. Giroux: We just have to swear you in as a witness.

Mr. Richmond: OK.

Vice-Chairman Haraguchi: OK. Raise your right hand. State your name.

Mr. Richmond: Ron Richmond.

Vice-Chairman Haraguchi: OK. Will you tell the truth and nothing but the truth so help you?

Mr. Richmond: Yeah.

Vice-Chairman Haraguchi: OK.

Mr. Richmond: OK. I've lived there since the inception like 17 years. And basically, the road just . . . you know, that narrow concrete strip with the grass on either side. And the homeowners really don't want the road opened up because we've already had problems like slowing the traffic down. We've had to put speed bumps in. And there's all the neighborhood people come down, walk their dogs, ride their horses, guys come down, park and fish. And the consensus is if we had a choice, the road wouldn't be widened. And that's basically what the homeowners would like because it just keeps it rural. You slow the traffic down. The speed limit's 15 miles an hour. And we like to have

the people come. Everybody comes and walks, cruises with their dogs and horses. And we'd like to keep it rural if we could. And Rick's issue is a separate issue. But it would be the start. And we would rather keep it how it's been. And that's the position of the homeowners.

Vice-Chairman Haraguchi: Any questions?

Mr. Strini: I'll try to find my pictures.

Mr. Chad Fukunaga: I guess while we're waiting, I'd like some clarification. So if a parcel is CPR'd, does that require a fire review and approval?

Lt. Peter "Kono" Davis: No, it doesn't.

Mr. Fukunaga: OK. Thank you.

Mr. Howard S. K. Kihune: Madame Chair, a question? You had mentioned, Mr. Strini, excuse me, that Lot A was CPR'd.

Mr. Strini: Yeah.

Mr. Kihune: And when was that CPR'd?

Mr. Strini: I don't have the dates on that.

Mr. Kihune: 1999? 2000? 2005?

Mr. Strini: I just don't have the dates on that. I just heard about it the other day and I was just making you aware of it. I thought for sure that they had to go through some sort of fire approval with a CPR.

Mr. Kihune: Well, CPR is different from subdivision, as we all know. You know, my concern with allowing this variance is that we're gonna get ourselves . . . the County, from a safety standpoint, get into a position that we could be creating another hazard just by not having that widening. And I think to me, this is a homeowners association. You own the road. The association owns that road.

Mr. Strini: Yes.

Mr. Kihune: And I think it's upon the association to bring that road up to code at some point. And come in to the Board asking for a variance, that's gonna create and put possibly, the Fire Department in a safety situation is like to me, not something that I would like to see happen.

Mr. Strini: Well, the Fire Department has already allowed five other subdivisions to be passed.

Mr. Kihune: Correct. They did not start review until 2001, if we're correct. And I could be wrong. Correct me if I'm wrong. But they started reviewing subdivisions at that time. And those subdivisions were prior to that. The ordinance had changed. And it just seems that it's a

homeowners association problem more than it is the County's problem.

Mr. Strini: Well, right now, they're trying to enforce that and it's holding up my subdivision, so that's why I'm here at the variance.

Vice-Chairman Haraguchi: OK. During an earlier meeting in June, we requested that you do compaction testing. And you said that you . . . it wasn't feasible for you to do, but you said that you would dig it up and show us pictures.

Mr. Strini: I took some pictures and I do have some pictures of the roadway.

Vice-Chairman Haraguchi: But did you dig it up and . . . so we can see the actual compaction in the ground or in that gravel area?

Mr. Strini: I did but the pictures wouldn't show it. And I even took pictures of the day after Hurricane Flossie hit there just to show. My stretch of roadway is at 6 percent grade. It's almost flat. And it was shocking the very next morning how dense it was, how bone dry it was. And I can show . . . you can see the pictures. We don't have standing water. We don't have mud. We don't . . . It's compacted over 20 years. I just . . . The hole just didn't show it. And unfortunately, I didn't have the four thousand dollars that the compaction company wanted to dig the holes. They wanted to dig holes and test it. I just didn't have the money.

And it's not . . . that's not even the issue here. The issue is the street is ten foot wide and it's been usable for 20 years plus by fire trucks, by all sorts of vehicles, big trucks. The issue is just asking for the variance to not do anything more to the road because it's adequate.

We have a 20-foot unobstructed view which is the County code. That's what the County code asked for. And I looked it up and it doesn't say anything about compaction or anything like that. So we are in the . . . even on the page of my application, Manawai satisfies the road width requirement, which is the code, Article 9, Section 902. It says, "Our access road . . . (inaudible) . . . unobstructed width of not less than 20 feet." So we, more than any parcel down there, satisfies that because ours is flat, straight, it's clean, wide open. It's the only thing holding us up for the subdivision what I'd been working on for ten years. So . . .

Vice-Chairman Haraguchi: Well, unfortunately, for me, myself, I don't find it . . . I find safety as an issue. Being that you did say the fire trucks have been done there, but for some reason, a bigger fire truck needs to come down . . .

Mr. Strini: It'll never make it down. That's my point. I can show you these pictures. I mean, I don't know what the widest fire truck is, but you can't drive on the street if it's more than ten feet and our road is ten feet. So the trucks will go down the road.

Lt. Davis: Just for some clarification, the reason why the code reads 20 feet, it's not just because you need just so much width for our . . . an apparatus to get down. The code reads 20 feet because we're expecting to have a . . . at least a fire apparatus on the road. People need to get out of the area. And other fire apparatuses need to get around that other apparatus, maybe, possibly. So the 20 feet is not just for traversing purposes. It's for emergency purposes, our whole

emergency procedure purposes.

Mr. Abbott: I would like to add having been a member of a volunteer Fire Department, I know that sounds childish, whatever else, but we depended on our protection also. What the gentleman says is absolutely true. The truck is only so wide, but when you get five or six firemen trying to get stuff off the side of the truck, or operate the valves, and everything else that's around the truck, they need six extra feet minimum to use the truck effectively.

Mr. Strini: Well, we do have more than a 20-foot right-of-way. We have actually . . .

Mr. Abbott: I do understand that, sir, but I'm also saying that you have grass which when it gets wet with fire trucks and water being sprayed all over everything, it's not a stable surface to stand on. I'm very much with Mr. Kihune. I'm very concerned about the fire and safety hazard here.

Mr. Strini: In theory, yes, you're correct.

Mr. Abbott: I've fallen off a side of a truck. I know about theory.

Mr. Strini: In reality, there's no buildings down there to put out the fire on my street. And it bottlenecks before it even gets to my property. So perhaps I should you some of these bottlenecks so that we can hear what it does.

This is the entry. This is the entryway, 16 feet of entryway, at the top of Manawai. Now, going down Manawai on this picture here, this is the same 20-foot right-of-way that's been eroded. And so there's ten feet of concrete and rocks, and this is the gulch. There's another picture, and another picture showing the car and the width of the road. Now, this is again, in a subdivision that has already been approved and there will not be any development of the roadway. It's not gonna change. And it's before my house, before my property. So by me doing my property, again, it's just gonna put me in the middle.

Here's a picture of the vaults. They're close to the road, how close they are to the roadway, all the way up and down Manawai. Again, these are on subdivisions that have been approved so there will be no more redevelopment of the roadway here. Going down even to my road, pass my road, there's one further down the road.

There's just no logical reason to take one section of Manawai, my 341 feet, and pave five feet of either side of it when the vehicles would barely be able to get down anyway. I mean, I understand what you're thinking in theory, but this is the reality of it. The roadway narrows down to almost nothing right here. It's kind of hard to see with these lights on.

So becoming an island is what we would become. And we would probably at that point become a whole 'nother set of rules for the Fire Department. These are big vaults and they're established. This is past my . . . This is on the other subdivisions. The 20-foot is out there, but this is overgrown with vegetation. These are pillars for mailboxes. These are in the roadway beyond my property that all with subdivisions that have been approved. So they're not gonna fix the road. It's not gonna change. So again, I'm just asking that logistically, to make me do it, it just isn't practical, it's . . . besides being costly. That's why I'd like the variance.

Vice-Chairman Haraguchi: Well, unfortunately, we don't know when these subdivisions were approved. The code has changed. And its effective date is probably after these were already approved. And we're here to enforce the code and to make sure that it's safe. And that's where we are.

Mr. Strini: I understand that, but the five feet on either side, 341 feet, is not gonna make it less safe or more safe. It's not going to affect it.

Vice-Chairman Haraguchi: We won't know that until something drastic happens down there and then we'll know. So . . .

Mr. Strini: Well, there's still the vaults. The vaults are in place down there. You can't drive over the vaults. You can't move the vaults. There's electrical, water lines underneath. And these were developed 20 years ago. And this is a private road.

Mr. Kihune: Madame Chair, you know, my point again, Mr. Strini, is I understand what you wanna do and where you wanna go with your property, but because it's a private road, and because it's owned by the association, I still think it's an association issue. It's something that the homeowners whether it's 40, 50, 60, how many, whatever they are down there, need to sit down and decide, and make a determination to improve the road for the safety of the whole subdivision. What you've done . . . what it does is it seems like it's putting it back on the County and this Board to make a decision, make a safety decision. But I think that the decision is . . . should fall back on the homeowners. That's a private road. You guys own it and . . .

Mr. Strini: So you're saying that the . . . waive the variance, but put the issue on the Manawai Association?

Mr. Kihune: I'm not saying waiving anything. All I'm saying is that it's a homeowners association. As the group, you own the road, right?

Mr. Strini: Take it off my subdivision then.

Mr. Kihune: Pardon?

Mr. Strini: You're saying take it off my subdivision as a requirement.

Mr. Kihune: No, the homeowners as a whole should look at improving the entire private road to make it meet County standards.

Mr. Strini: Well, in theory, that's a wonderful idea, but I don't think they're gonna do it.

Mr. Kihune: It's private so it's hard. Again, it's my comments, and I think that's a homeowners association issue, for whatever it's worth.

Vice-Chairman Haraguchi: At this time, can I ask Fire to kinda chime in on the conversation as to what he was bringing up about the vaults being in on the road, and if anything's gonna be done about it, or can be done about it, or . . . ?

Lt. Davis: For . . . first of all, I don't know why the vaults is on the road. If the road was dedicated for easement purposes, I'm not sure why the vaults are installed on the road in the first place. As far as the fire trucks traversing over them, it depends on the vault. And it depends on the amount of repetition, a vehicle of that weight will go over a vault. So the question can be answered yes, a truck can go over a vault. I wouldn't advise it being a daily driver kinda thing. You know, like if it was in the front of the fire station, and we had to come in and out over that vault all the time, I wouldn't advise that, but we have driven over vaults before, not with our largest fire apparatus, but we have.

I think the . . . if the road . . . if it states that the road is 20 feet wide, clear width, then that's what should be dedicated to the road, not anything else put in the road. So I'm not sure how it came about where vaults was placed in the easement for the roadway. I cannot answer that. And basically, I'm just here to enforce the code for today, and that's a 20-foot wide, clear width, all weather surface.

Mr. Richmond: This is a picture of my property, 341 feet, more than 20 feet, unobstructed, clear shot right there, exactly what Kono just said.

Lt. Davis: And then you have to add in the all weather surface. It's 20-foot wide, all weather surface.

Mr. Richmond: Can I make a comment? This is just a background. The original subdivision was a consolidation and resubdivision. And at that point, at that time, all improvements were waived. And I spoke with the developer at the time and they were just gonna do gravel. They were waived all improvements and they were just gonna put gravel in there. So that's how it became with the vaults, the width, all that. It was all consolidation and resubdivision. All improvements, everything's waived. And that's where this occurred probably 18, 19 years ago.

Mr. Strini: So I might just ask the Fire something. He's talking about all weather surface. And I was asking if he could show me the Fire Code that talks about all weather surface because I couldn't find it. I looked it up. I looked up Maui County Code, Section 16.04B.010 in the Uniform Fire Code, Article 9, Section 902, and I could not find anything that talks about the all weather surface. It talks about being a 20-foot unobstructed which I have.

Lt. Davis: So in the Uniform Fire Code, 1997, it states that in Section 902, it states that the road needs to be unobstructed, clear, with 20 feet, and there is all weather surface in that section. I'm not sure what code are you looking in or where you found your information from.

Mr. Strini: Well, I looked it up on the Internet, sorry. Perhaps, you could provide us with that?

Mr. Giroux: For research purposes, from the lawyer's side, the Maui County Code adopted the Uniform Fire Code. So within . . . what you have access to, it just says "shall be incorporated."

Mr. Strini: It also says "amended 2012."

Mr. Giroux: Right. So you actually have to get the book that they're reading and the book that they're reading is incorporated into Title 16. So that's the difficulty you're running into, if that helps



the conversation.

Mr. Strini: So can he show us this?

Lt. Davis: I don't have the book with me right now, but I can.

Mr. Strini: Because my road is pretty adequate. It's contrary to rain and everything else. Yes?

Mr. Kihune: Well, just to answer your question with regards to where you found it, it's stated here, "Article 9, 902 to delete a 20-foot wide all weather surface road." So it's in there. That's what the code is. So . . .

Mr. Strini: Where are you reading that under?

Mr. Kihune: On our sheet, the Maui County Code, Uniform Fire Code (1997), Article 9, Section 902.

Mr. Strini: I see that. Thank you.

Mr. Kihune: You're welcome.

Mr. Fukunaga: I'd like to speak to an earlier comment by the testifier about the . . . some of the existing lots on . . . what would this be—the east side of the road? Where technically, they had the ability to subdivide, but it's unlikely that they will, or that because there's a multi million-dollar home that they will not subdivide. In my mind, it maybe the case, but it's still speculation. And I still feel that the way I interpret the way this code works is that they would . . . I guess the roadway would be brought up to standards in parts as certain triggers trigger sections of the road to be improved. And that's, to me, that's how I see it designed to work. And in this . . . and subdivision is one of those triggers. So it's doing what it's supposed to do. You're trying to subdivide your parcel, so you should improve your section of the road. If there are other lots within the subdivision that have the ability to further subdivide, and if they ever choose to subdivide, then they will have to improve their section of the road. Even the lot that has CPR'd, they can still pursue subdivision. So I still feel that, yeah, you're looking right now at an isolated situation. You're looking at just a snapshot in time. You're saying that it doesn't make sense for you to improve your section of roadway, but I think the way it's designed is looking over into the future, if someone else were to trigger some other improvements, then they would improve their section of roads, and maybe over time, maybe not the entire road would be improved, but a greater section of the roadway would be improved.

Mr. Strini: . . . (inaudible) . . . That's what I was trying to point out.

Mr. Fukunaga: You have to speak into the mic.

Mr. Strini: That's what I was trying to point out is that there's 800 feet, linear feet, above me that won't get redeveloped. And there's 1,500 feet below me that won't get developed.

Mr. Fukunaga: I don't think we can . . . you can say that. There's lots across the street from you that have the ability to subdivide. There's the lot that was CPR'd. They have the ability to subdivide.

Mr. Strini: That's above me. That's above me.

Mr. Fukunaga: That's still on your road.

Mr. Strini: It's 800 feet above me.

Mr. Fukunaga: It doesn't matter if it's above you or below you. It's on your road.

Mr. Strini: The lots at the top are available. You're right, but by me adding five feet on either side of my road, because I'm landlocked . . .

Mr. Fukunaga: You're not landlocked.

Mr. Strini: But I am.

Mr. Fukunaga: No, you're not.

Mr. Strini: I'm landlocked by two parcels above me and three parcels below me.

Mr. Fukunaga: You have a roadway. You have access. You're not landlocked.

Mr. Strini: Ten feet of roadway, yes, you're right.

Mr. Fukunaga: And to your point about these bottlenecks, I think you're missing the point from what the Fire Department is trying to say is that they need the ability to, in certain scenarios, be able to stack or have the ability to have a multi number of vehicles be able to use the corridor whether they're moving, or some part and some moving, or combinations thereof.

Mr. Strini: Yeah, I understand that.

Mr. Fukunaga: And recognizing, yeah, there may be bottlenecks, but at the next available area where they can park a vehicle, that's what they need the ability to do. And most roadways, County roadways, are either ten to 12 feet wide. So any legal vehicle has to be less than ten to 12 feet. So all their apparatuses are probably under ten to 12 feet so they can traverse to your gate.

Mr. Strini: Yeah, and go down the road.

Mr. Fukunaga: Yes.

Mr. Strini: Yeah, that's what they do now.

Mr. Ray Shimabuku: Madame Chair, I'd like to comment on that as well. I agree with Chad in regards to the possibility of others being subdivided especially, below where you had mentioned about the thousand or million-dollar homes. There's still a . . . it's still a big property. Even though there's a home that's worth millions of dollars, there still would be having the capability of subdividing, correct? So by you saying that it'll never be, that, I think it's a false statement.

Mr. Strini: Well, no, I talked with the subdivision office, and their quote was that the likelihood of it ever getting developed is almost zero because of the requirements. There's no water down in our . . .

Mr. Shimabuku: Well, the likelihood maybe, but you still have that possibility even if it's .1 percent.

Mr. Strini: You're right, we're talking theory.

Mr. Shimabuku: So my concern basically is in regards to . . . this issue is the safety portion. To me, if you had done that compaction test, and if this means so much to you that it would be done so that we can see the numbers of compacted side of the road, I think it'll weigh heavily on the issue of safety with the apparatuses going down the road. Five feet of purely compacted, solid ground would indicate to me that it would be OK. But because we don't have that for whatever reason . . .

Mr. Strini: Well, I couldn't afford it.

Mr. Shimabuku: Obviously the cost, but I think that's important because that's what is weighing on this right now, because to me, that's the safety part. I can just imagine seeing this big apparatus going down the road probably after one big rain, and then you see this truck, because it's so heavy with the water and all the stuff that it would kinda like lean to one side as you going off the ten-foot width of the road. Puts the liability on the rescuers. And I think that's one of the biggest concerns for me. It's putting danger upon those who would come and help and try to save the place.

Mr. Strini: Well, I understand all of your concerns. And it . . . at this point, just by the sheer numbers here, it doesn't look like it's being . . . becoming favorable for me to get this variance although I sure wish it was, but I have one last thing to add before we go there.

In an effort to not completely stonewall or fight the Fire Department, I did some research. And in order to bring my five feet up to specs for them, for you guys, I found a system that is quite economical, quite ecological, and available. It's called . . . I'm gonna pass it around so you can see it. In fact, I made a couple copies here. This is a revolutionary product that is made out of plastic, polymer plastic. And once it's fabricated, it's literally hard to steal. And it's laid down on a bed of sand, sand in it. And it goes from just, to give you an idea, 250 pounds per square inch. Once the sand is in it and it's laid out, it's almost 7,000 pounds per square inch. It's a really incredible new system of fire roads. OK? It's been put into fire paved roads across the country right now. And I got a list of the ones it's being used in Hawaii. In fact, right here, Seabury, 13,566 square feet of grass-paved fire road. So the other one is up in Pukalani, and one in . . . another 13,566 feet, Pahoia High School, on the Big Island. I'll make copies and give these out to you, but it's a system that's pretty revolutionary, pretty new. And I could use that to upgrade either side of my road. And it would be stable. And it would pass Fire Department requirements. It would take the weight. And I can grow grass back on it so it looks decent and that will satisfy the Manawai Association. So if I don't get the variance, I would like you to approve this system so that I could install it, and get on with it, and move ahead. It's about the third at cost of concrete on asphalt and it's equally as good. Do you have any questions?

Mr. Kihune: I think this is great. It's another alternative to paving or concrete.

Mr. Strini: It's light weight. I can get here on pallets.

Mr. Kihune: Yeah, obviously, though, you have to go through subdivision approval to get that. I guess approved by Public Works or whoever, then maybe Fire. It's not our position to approve this so . . . correct? Yeah. So, yeah, you'd have to go through the subdivision approval and spec this out with your contractor, whoever may be, and have this approved through that process. But I think this is a great product. I mean, I've never seen it before and I think . . .

Mr. Strini: It's being installed right now in Makena for another fire road.

Lt. Davis: Can I just chime in real quick just so I can clear the air on this product? Mr. Strini is absolutely correct. It is used on fire lanes around the County of Maui, but there's a difference between a fire access road and a fire lane. A fire lane is on private property where you need access around the building. And a fire access road is something that we're accessing multiple properties on. So we're traveling faster on an access road as we're doing on a fire lane. So we allow grass block or this type of thing for fire lanes, yeah.

Mr. Shimabuku: So this wouldn't be acceptable for fire access?

Lt. Davis: Not an access road but an access fire lane, yes.

Mr. Strini: But wouldn't this consider my feet on either side of the access road be considered a lane? I mean, the ten-foot of concrete, believe me, is a fire road.

Mr. Kihune: I guess that's something you're gonna have to probably take up . . .

Mr. Strini: Another hearing?

Mr. Kihune: No, not a hearing, with Planning and with Public Works and try to go for your subdivision. We can't approve this, Mr. Strini, unfortunately. So we're here for the variance to either waive or not waive the five feet on either side.

Vice-Chairman Haraguchi: At this time, does the Board have any discussion? None? A motion?

Mr. Abbott: I make a motion to deny the variance.

Mr. Espeleta: I second.

Mr. Abbott: At this point in time, I don't think it's a wise decision.

Mr. Espeleta: Yeah, I second the motion.

Vice-Chairman Haraguchi: All those in favor? Not in favor?

It was moved by Mr. Abbott, seconded by Mr. Espeleta, then

**VOTED: To deny the variance.**

**(Assenting: G. Abbott, T. Espeleta, C. Fukunaga, H. Kihune,  
R. Shimabuku.)**

**(Excused: R. Tanner, P. De Ponte, B. Santiago.)**

Vice-Chairman Haraguchi: We're sorry, Mr. Strini.

Mr. Giroux: **Just for the record, the motion passed and the variance is denied.** An order will be produced and served on Mr. Strini, and findings of fact, conclusions of law will, I guess, entered. The only question is, does the Board want to review the findings of facts, or do you wanna just give the authority to the Chair to sign that so that it can be served on Mr. Strini?

Mr. Fukunaga: I don't need to review.

Mr. Abbott: No, I don't need to review. That's her job.

Mr. Giroux: So staff will produce the order, and I'll review it, and then the Chair will sign it, and it will be served on Mr. Strini.

Mr. Abbott: She knows we're all behind her.

Vice-Chairman Haraguchi: OK. So now we'll go through the rest of the meeting.

### **C. APPROVAL OF THE AUGUST 8, 2013 MEETING MINUTES**

Vice-Chairman Haraguchi: Approval of the August 8<sup>th</sup> 2013 minutes.

Mr. Abbott: So moved.

Vice-Chairman Haraguchi: Seconded?

Mr. Shimabuku: Second.

Vice-Chairman Haraguchi: OK. All those in favor? Nays?

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

**VOTED: To approve the August 8, 2013 meeting minutes are presented.**

**(Assenting: G. Abbott, R. Shimabuku, T. Espeleta, C. Fukunaga, H.  
Kihune)**

**(Excused: Rick Tanner, P. De Ponte, B. Santiago.)**

Vice-Chairman Haraguchi: **Motion approved.**

### **D. DIRECTOR'S REPORT**

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

Vice-Chairman Haraguchi: Director's Report?

Mr. Joseph Alueta: Nothing today.

Vice-Chairman Haraguchi: OK.

**E. NEXT MEETING DATE: Thursday, September 12, 2013**

Vice-Chairman Haraguchi: OK. The next meeting is Thursday, September 12<sup>th</sup> 2013. Meeting adjourned.

**F. ADJOURNMENT**

There being no further business to come before the Board, the meeting adjourned at 2:23 p.m.

Respectfully submitted by,

CHALSEY KWON  
Secretary I

**RECORD OF ATTENDANCE**

**Members Present:**

Jacqueline Haraguchi, Vice-Chairman  
G. Clark Abbott  
Teddy Espeleta  
Chad Fukunaga  
Howard S. K. Kihune  
Ray Shimabuku

**Members Excused:**

Rick Tanner, Chairman  
Patrick De Ponte  
Bart Santiago, Jr.

**Others:**

Joseph Alueta, Planning Program Officer, Planning Department  
Carolyn Cortez, Staff Planner, Planning Department  
James Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel  
Peter Davis, Lieutenant, Fire Prevention Bureau