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**MAUI PLANNING COMMISSION  
PORTION OF REGULAR MINUTES  
ITEM B.2  
JUNE 25, 2019**

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Mr. Hart: Thank you Chair. Public Hearing Item B.2, Janine Holstein requesting a State Land Use Commission Special Permit and Short-Term Rental Home Permit to operate a six bedroom STRH in the main and accessory dwellings in the State and County Agricultural Zoning Districts at 2460 Omaopio Road, Kula, Island of Maui, TMK (2) 2-3-003:030 and Short-Term Home Rental Permit T2019/0001, SUP2 2019/0004. Tara Furukawa is Staff Planner.

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**B. PUBLIC HEARING**

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**2. JANINE HOLSTEIN requesting a State Land Use Commission Special Permit and Short-Term Rental Home Permit to operate a six bedroom STRH in the main and accessory dwellings in the State and County Agricultural Zoning Districts at 2460 Omaopio Road, Kula, Island of Maui, TMK (2) 2-3-003:030 (STMP T2019/0001)(SUP2 2019/0004)(T. Furukawa)**

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Ms. Tara Furukawa: Good morning Commissioners. This item has come to you review because the Department has received two protests from adjacent neighbors. In addition, 30 percent or more of the owners and lessees within a 500-foot radius have submitted protests and also it's a short-term rental home on Ag land. The applicant is proposing a six-bedroom STRH in two farm dwellings in Omaopio, Kula. The applicant plans to reside in the main farm dwelling and rent the second farm dwelling. And when she's away she plans on renting the two dwellings. The consultant for the project is Debbie Mitchell and she'll be presenting you the project and responding to any questions that you might have regarding the application.

Mr. Carnicelli: Thank you Tara.

Ms. Debbie Mitchell: Good morning Commissioners. My name is Debbie Mitchell and I am here presenting Janine Holstein in her application for a Short-Term Rental Home Permit and a SUP2 Permit at 2460 Omaopio Road.

The subject property is located in Kula in the Agricultural zoned district. It is a large, almost 25 acre parcel and as you can see outlined by the green area there you can see the entire area of the parcel. The parcel has two dwellings upon it. One is the main dwelling which is the furthest left dwelling and the driveway is quite lengthy it comes off of Omaopio Road and the second is the ohana also three bedrooms which is in reach by a long driveway as well so they're much removed from the roadway.

The main residence, the guest is greeted by this picturesque entry. It...again, it is a very long driveway, ample parking for the required amount. There's additional parking above and beyond the requirements. The home itself, the main home has three bedrooms and this is a picture of that, exterior of the house, and these are the views from the house. Unfortunately the view on the top left is a little bit washed out but it looks out towards West Maui. The interior of the house, the foyer and bar, the kitchen and dining area, the living room, and each of the three bedrooms.

1 This is moving you over to the ohana which is the secondary building on the property. This is  
2 again reached by a very long driveway and again with more than ample parking for the  
3 requirements. This is the exterior of the home. The homeowner has put a tremendous amount  
4 of work into rehabilitating a much dilapidated home and has done amazing...in the next picture  
5 you'll see a little bit of what it did look like. We do not have current pictures of the outside, but  
6 this is what she's restored it from and then the views surrounding the property. Interiorly the  
7 kitchen and dining room, the living room and the three bedrooms again.

8  
9 It is a working farm. It has...she has six horses that range throughout the property. She's also  
10 raising adult chickens and has at this point 60 chicks and counting, and she has a wide variety of  
11 plants that well...matured plants and orchard which produces a wide variety of fruit. She's also  
12 indicated that she has done research on the products that can be done with kiawe in making flour  
13 and making other things from the kiawe tree. She's very heavily involved in this farm. These are  
14 some of the pictures of the horses and the chicks, there's a newborn chick there, and again of the  
15 orchards. It is a very large property so this is ranging throughout the property, but most of the  
16 orchard and plants of that nature are grown around the homes.

17  
18 As to public notice, all neighbors were notified within 500 feet, twice, once about the permit  
19 application and then once about the public hearing and the Department did put an ad in the Maui  
20 News about this hearing today.

21  
22 Nine protest letters were received from the neighbors within 500-foot radius of the property. Three  
23 of them of are from two adjacent neighbors, one of the parties owns two parcels. The owner has  
24 reached out personally to every one of these folks. I've come before you many, many times here  
25 and this is the most involved owner I've ever been with in terms of reaching out to her neighbors.  
26 She invited them all to a barbeque at her house to hear their concerns and to try to answer them.  
27 She's written letters, she's called, so she's been very heavily involved in trying to answer the  
28 concerns that protesting neighbors may have.

29  
30 This is a little bit of an overview of the 500-foot circle. You can see the large parcel in the middle,  
31 the red bars are the protest letters that were received and they're all bordering on the...I think  
32 there is actually there was one just on the outside of it but most of them are to the north and east  
33 of the property. The x's show the letters of support from adjacent neighbors so all of the neighbors  
34 across the street from her have supported as well as the two to the south. There are no other  
35 short-term rental homes were be anywhere...within the 500 feet of this home.

36  
37 There's been a massive amount of support received for this particular operation. Seven...there  
38 are a total of seven support letters received from owners within the 500-foot radius and as I  
39 mentioned before showing you the adjacent numbers, owners are in support of this application  
40 as well. There is a tremendous amount of support for this particular property within the Jewish  
41 community both in the community and their leadership. The owner has built or constructed a  
42 property that actually provides a practicing Jew with kosher is not the big enough word but with  
43 accommodations which have been modified to their needs. They are, as listed there, there are  
44 kosher kitchen with separate accommodations for meat and the very specific things and Janine,

1 the owner will get into this more, prohibition of using electricity on the Sabbath. So she's created  
2 an environment when practicing Jewish people can come and vacation without concern.  
3 So as in researching this project the amount of support for it, you should have been given a list of  
4 all of the support letters that were received. So it is a very great need on this island for something  
5 like this. It's providing a service that no one else is doing. So we'd just like to have that.

6  
7 And always, we do understand the protests and we have tried to reach out to the neighbors,  
8 Janine especially to answer those accommodations. So we are well aware that those are there  
9 as well. But we do say this is also the community speaking in support of Janine and this operation.

10  
11 These are some of the items there are...that are specific to a practicing Jew, and Janine, again  
12 Janine will explain these a little more. These are very special mezuzah which are required to be  
13 posted. They're very difficult to get genuine articles. She had to go back to New York to actually  
14 find these. So she's really constructed a unique place here. So that is our presentation. We  
15 thank you for your consideration. Janine is here and would like the chance to address you folks  
16 as well.

17  
18 Ms. Janine Holstein: Hi, I'm Janine Holstein. Thank you for taking the time to review my  
19 application. Aloha, good morning. So as Debbie shared, you know I applied for the short-term  
20 rental and I'm on the Board of Directors for the Jewish Congregation of Maui so I'm very much  
21 involved in the Jewish community here on Maui. I'm also in my garage actually a Hebrew School  
22 takes place one day a week for an hour and a half and the woman who runs that class she is the  
23 Rebbetzin or the Rabbi's wife of the Maui Kosher Farm and so I am very involved in the Jewish  
24 community here and very supportive of things happening here. So you know, having...I moved  
25 here in 2013, I'm from New York. I was brought up Modern Orthodox which Jewish which is a  
26 fairly religious or practicing type...(inaudible)...of Judaism and I keep hearing from people how  
27 difficult it is and I know for myself how difficult it is for someone who observes the laws within the  
28 Jewish religion to come here.

29  
30 So I've really, you know I was brought up on a religious or Jewish value called hachnasat orchim  
31 which is a Hebrew words which means welcoming guests and like I don't mean to get all biblical  
32 but like Abraham or Abraham you know he owned a hotel that was his biblical thing, he had  
33 guests, guests, guests, guests. That was something I was raised on. When I in my 20's and  
34 living in New York I would have 15 people over at my house, my two...you know, tiny apartment  
35 in New York City to feed them for a Savat, Sabbath lunch dinner, these were the values I was  
36 raised on. So to me it's like I'm just trying to express and provide a place for Jewish people or  
37 any visitors but I mean really targeting Jewish people to come and feel welcome and feel  
38 comfortable and not have to go scrounge for food and you know, I mean if you look at the hotels  
39 now they all have the electric key card. If they're there on a Savat, Sabbath or a Yontiff, a Jewish  
40 holiday they literally cannot get in and out of their room because it's electric and you're prohibited,  
41 we are prohibited from using electricity or touching anything electric actually on those days. So  
42 there's so many laws and rules like couple, married couples that keep marital purity laws, they  
43 are required to sleep on separate mattresses during their time of niddah. I don't want to get all  
44 technical and gross maybe, but just you know, so I'm able to provide separate mattresses, I'm  
45 able to provide...I know what the needs are and I'm able to that to people who come here with

1 those needs and I mean, I have my friends, my family who have come to Hawaii to visit and bring  
2 literally an entire suitcase filled with frozen kosher food that's wrapped in a way that they can you  
3 know maybe possibly stick it in an oven or not. It's a big burden, difficulty for people who come  
4 here to get their needs met and often don't end up coming.

5  
6 I'm also a social worker, have been a social worker for 20 years. I also have a PhD in Clinical  
7 Psychology. I'm someone who's very in tune with community needs and this short-term rental  
8 would fill a huge gap in services, it would serve not only an underserved population but an  
9 unserved population and in doing that it would also...it's providing a service to a population that  
10 is not also draining resources from our island, but hopefully actually could contribute to those  
11 resources.

12  
13 So I hope that you can see, you know, the bigger picture and I'm aware of the obviously the  
14 neighbors that have protested and I have reached out and I feel you know, it...I so much want to  
15 have a good relationship and happy to know you connect and talk about and reassure any  
16 concerns that anyone has. The houses are so far away from the neighbors. There's so much  
17 land around. There's so many trees and barriers, you know, it's...it seemed when I was first  
18 applying like it would be a perfect place to do this because it's so remote and far and quiet and  
19 you know, and again these are visitors who are typically God fearing people and upstanding moral  
20 citizens, they follow an ethic code and you know they're not gonna be partying and loud and you  
21 know all of that, so you know, I just ask for you to again look at the bigger picture. I hope I have  
22 said everything, I don't know. I'm very nervous, I'm sorry if I missed stuff. Okay, thank you so  
23 much for hearing me.

24  
25 Mr. Carnicelli: Thank you. You did great.

26  
27 Ms. Holstein: Thank you.

28  
29 Mr. Carnicelli: At this point, Tara do you have anything else to add?

30  
31 Ms. Furukawa: No.

32  
33 Mr. Carnicelli: Okay, so what we'll do at this point in time is we're gonna open up for public  
34 testimony. Actually if someone could get the lights. What I'll do is right now we have six people  
35 signed up to testify. I will call you up one at a time, come forward, I'll ask you to state your name,  
36 I will ask you if you will be truthful, you'll get three minutes. After that, the applicant actually has  
37 the opportunity to ask you questions if she so chooses. If not, that's fine too. And yeah, so  
38 that's...just you guys know that's how the ball will bounce. Once public testimony is closed then  
39 we'll have questions and answers and come to a decision. So our first public testimony is from  
40 Susan Clements. Please state your name.

41  
42 Ms. Susan Clements: Susan Clements.

43  
44 Mr. Carnicelli: Do you promise to tell the truth Susan?

45

1 Ms. Clements: I do.

2

3 Mr. Carnicelli: You have three minutes.

4

5 Ms. Clements: Thank you. Good morning Chair Carnicelli, Vice-Chair Tackett, Deputy Director  
6 Hart, Members of the Planning Commission, Corporation Counsel and Staff. My name is  
7 Susan Clements and I am one of the neighboring homeowners of the proposed Maui Majesty  
8 Short-Term Rental. I am also speaking on behalf of my sister Marci Sato whose property is  
9 adjacent to the applicant.

10

11 We are opposed to the request of a short-term rental home permit. This is a farming community  
12 and we feel that short-term rental use is not an appropriate use for this area. My grandfather  
13 purchased his farm over 70 years ago and our family has neighbored this property for over  
14 50 years. The property sold last May and four months later an application for short-term rental  
15 use was submitted. I have not received an invitation for a barbeque and I still have not met my  
16 neighbor.

17

18 This property contains two dwellings with a total of six rooms allowing a group of 12 people to be  
19 on property. There are nine letters of protest from surrounding neighbors with various concerns.

20

21 Omaopio Road is home to long-time farmers, Uradomos, Evonuks, Otanis, Shishidos, the  
22 Takashitas of Howard's Nursery, and the Sakugawas to name a few and to newer farms such as  
23 Okoa Farms. An adjacent property to our lot, formerly the Yamamuras was sold last May to a  
24 sweet potato farmer. Another property adjacent to our lot sold last October and is being used for  
25 various crops. We don't want to see short-term rentals encroaching in our farming community.

26

27 I understand there are letters of support for this proposed rental because it will serve the Jewish  
28 community. I do not see the number of letters that was mentioned and one of the letters of support  
29 which was written by a neighbor across the street listed several homeowners and as a letter of  
30 support but one of those homeowners was Howard Takashita of Howard's Nursery and they did  
31 support a letter of opposition.

32

33 One letter of support states that this would allow folks to experience the beauty of Upcountry Maui  
34 but that there are options in Wailea. Maui County is anticipating three million visitors this year.  
35 Residents have to deal with overrun roads, trespassing, lack of respect and damage to our natural  
36 resources and infrastructure. I think Lee Cataluna said it best in her recent piece, stating that  
37 residents want their peace and privacy back, they want actual neighbors to be their neighbors,  
38 Hawaii residents want tourist to go back to all the vast prime beachfront that our kupuna saw  
39 taken away and parcel over, built up and maximized for tourism. That was the unspoken deal  
40 that we would give up Waikiki, Poipu, and Lahaina, and Wailea to the tourist machine but keep  
41 country, country and the neighborhoods, neighborhoods and the deal has now been broken.

42

43 One of the main highlights in the Maui Island Plan is to preserve our agricultural lands and open  
44 space a refrain repeated by—

45

1 Mr. Carnicelli: Susan that was three minutes.

2

3 Ms. Clements: Okay, thank you.

4

5 Mr. Carnicelli: Thank you for your testimony.

6

7 Ms. Clements: Thank you for time.

8

9 Mr. Carnicelli: Does anybody have any...need to clarify Susan's testimony, no? Does the  
10 applicant have any questions for Susan? Seeing none, thank you very much Susan, appreciate  
11 it. Our next testifier is Seth Weaver. Please state your name.

12

13 Ms. Seth Weaver: Seth Weaver.

14

15 Mr. Carnicelli: Seth do you promise to tell the truth?

16

17 Mr. Weaver: I do.

18

19 Mr. Carnicelli: You have up to three minutes.

20

21 Mr. Weaver: Thank you Mr. Chairman, Members of the Commission. My name is Seth Weaver  
22 and I reside at 26 Kapiki, I'm right adjacent to within the 500-foot radius of the applicant's dwelling.  
23 I did have more of a script that I was going to read from but I'll speak more from the heart I think  
24 because I don't want to sound so redundant.

25

26 I recently moved there with my family within the last year and I couldn't be happier residing in a  
27 community that resonates around farming and agriculture practices and I really want to stress that  
28 the Code is strict in the sense that this area is zoned totally within agriculture use and the intent  
29 of that was to preserve that nature of the community and especially with our impending food crisis  
30 that we have around here, in the nation and the community I think we should stress that farming  
31 is very important to the community and should be well understood and supported and by  
32 approving applications like this it does quite the opposite.

33

34 And to that point by approving something like this it would set a precedent for other applications  
35 to come through and have more short-term housing rentals in the area that go against what the  
36 code was set up for. And I think that's very important that we don't set that precedent. I would  
37 like to stress that the Department has recommended denial of the application and the majority of  
38 the affected community members of the...the affected constituents of the application's 500-foot  
39 radius did recommend a denial as well and strongly opposed it.

40

41 Farming comes with many different applications, some of them revolve around tractors, loud  
42 noises, use of chemicals, pesticides, spraying and I think all of these things are very important to  
43 preserve agriculture and its practices and could contrarily affect the applicant's nature of her  
44 business. I would like to stress one thing that the applicant is suggesting that the buildings are  
45 far removed or don't really propose that much of a harm to the community, well they're right on

1 the border of the property owners who directly oppose this. They're literally...you could feed the  
2 horses on the other side of the fence and the houses are right there. So that's quite frankly not  
3 true. They would directly affect the neighborhood and alter the integrity of the community.  
4

5 I would like to also stress that the people who objected to the application are in the majority and  
6 I think that should be taken into consideration. I know there are many other letters of support but  
7 those people quite frankly don't live in the area, they're not going to be affected whatsoever by  
8 the applicant's intention here. While whole and true are good but they will not be affected so I  
9 know that's my time and I thank you for the opportunity to speak to you today.

10  
11 Mr. Carnicelli: Thank you Seth. Any need for clarification? Does the applicant have any  
12 questions for Seth? Okay, thank you Seth. Paul Sakugawa. Please state your name.

13  
14 Mr. Paul Sakugawa: I'm Paul Sakugawa.

15  
16 Mr. Carnicelli: Paul do you promise to tell the truth?

17  
18 Mr. Sakugawa: Yes I do.

19  
20 Mr. Carnicelli: You have up to three minutes.

21  
22 Mr. Sakugawa: Okay, I live right on Kapiki Street and I farm on my son's property which is about  
23 ten feet away from one of the houses. Now you can imagine if I plowing the field, raise animal,  
24 spray any insecticide, I gonna worry about whoevas in there, you know. And all this time for the  
25 past well, my father and I farmed about 70 years already on the property and we had no problems,  
26 none. Because the people living there know it's Ag District, they live with all the dust because  
27 when it get windy and we start plowing the field there's a lot of dust. So this people come in, they  
28 rent, who knows who'll be there and might maybe somebody from the city then they will be  
29 sensitive to the dust, to the chemical, and how are we gonna farm? Like the owner, Jennie she  
30 send me an email saying they sensitive to insecticide so what I can I do? You know, she want  
31 me to notify her when I'm gonna spray so she can protect herself, but this isn't to me is for Ag.  
32 So you know, when we spray insecticide we follow the label, you know, why should I go notify  
33 everybody who comes to the property? That's my main concern. I want to keep this place Ag  
34 and that's it. Thank you.

35  
36 Mr. Carnicelli: Thank you Paul. Any questions for Paul? Does the applicant have any questions  
37 for Paul? Thank you very much. Sheri McNerthney. Did I get it right?

38  
39 Ms. Sheri McNerthney: You did. It's actually Sheri Leven McNethney and I'm speaking. I want  
40 to note that I'm speaking—

41  
42 Mr. Carnicelli: Wait, you promise to tell the truth?

43  
44 Ms. McNerthney: Yes, I do.  
45

1 Mr. Carnicelli: Okay, you have up to three minutes.

2

3 Ms. McNerthney: Thank you. And I just want to note that I'm the President-Elect of the Jewish  
4 Community of Maui and I'm speaking on behalf of the whole community. So Janine's proposed  
5 short-term vacation rental here would be an amazing tremendous service to our community  
6 because there's nothing like this that exists. You know we often have, we struggle, we often have  
7 visiting Rabbis, visiting Clergy, visiting Scholars and we're always struggling to find a place for  
8 them to stay because there's no...you've heard about she's making this a kosher vacation rental  
9 meeting the needs of the Jewish dietary laws. It's super important for us. We're always struggling  
10 with this issue. It's like a dream come true to have, to have...be able to have a kosher  
11 vacation...kosher short-term rental on Maui. I mean right now I have two visiting Rabbis who are  
12 going to be visiting us in the current...in the next few months, you know, I've been struggling to  
13 find a place for them to stay. You know if this is approved I would totally, this would be where  
14 they would stay. The alternative is that these two Rabbis need to bring suitcases of their own  
15 food and their own cooking utensils and it's a real problem, you know always. So I urge you  
16 approach...to approve this. It's a unique, a totally unique service for Maui and it's not just for our  
17 visiting Rabbis, Clergy, and Scholars, it's any observant Jew of Maui of which there are thousands  
18 that visit this island each year and you know, it's a service for the island to have this. I urge you  
19 to approve it. Thank you.

20

21 Mr. Carnicelli: Thank you Sheri. Any questions for Sheri? Does the applicant have any  
22 questions? No. No questions. Thank you very much. Ellyn Mortimer. Please state your name.

23

24 Ms. Ellyn Mortimer: Ellyn Mortimer.

25

26 Mr. Carnicelli: Do you promise to tell the truth?

27

28 Ms. Mortimer: I do.

29

30 Mr. Carnicelli: You have up to three minutes.

31

32 Ms. Mortimer: Thank you very much. Good morning. I'm the current President of the Board of  
33 the Jewish Congregation of Maui. It's the only Synagogue on Maui. We've been in existence for  
34 as a formal organization for about 20 years and I'm here to submit testimony on behalf of Janine  
35 Holstein short-term rental. I work in the office at the synagogue. I get phone calls and emails  
36 every week from potential visitors who are looking for a place to meet their needs to come to Maui  
37 and to be an observant Jewish person.

38

39 The needs of some of the members of the Jewish community as listed in the presentation kosher  
40 kitchens, lights on a time, a mezuzah on the door post, those are not things that are easily  
41 accommodated in a short turnover in between rentals or in my home for example where I don't  
42 observe, I can't just simply turn it into that kind of an environment for somebody who is coming to  
43 visit.

44



1 This rental will serve the needs of the Jewish community who visit or who live on Maui and need  
2 a temporary place to stay. As Sheri mentioned we often would like to have visiting Scholars and  
3 Rabbis to come to our community. We actually as Sheri mentioned have our most important  
4 holidays of the year Rosh Hashanah and Yom Kippur coming up and we do have a visiting Rabbi  
5 and at the moment we don't have anywhere suitable for this family to stay.

6  
7 Janine personally she sits on our Board of Directors at the Jewish Congregation of Maui. She  
8 sits on the Board of the PTO at her son's school Upcountry. She's a contributing member of our  
9 community. She is creating a home that will make a difference to members of our community  
10 who live here and who have been visiting. For every holiday or event that I've been to at her  
11 house she's taken great care to make sure we know exactly where to park, where the music  
12 located, where we will all congregate so as to not affect any of the neighbors. I'm sure she will be  
13 taking the same care when she...if she's allowed to have this rental. So I want to thank you for  
14 considering this important addition to our Jewish community and I urge you to say yes to the short-  
15 term rental. Thank you.

16  
17 Mr. Carnicelli: Thank you Ellyn. Any questions for Ellyn?

18  
19 Ms. La Costa: I have a question please.

20  
21 Mr. Carnicelli: Commissioner La Costa.

22  
23 Ms. La Costa: Thank you Chair. Ellyn is there no other place in Maui either through the Temples  
24 that there are or the Synagogue that could provide housing and the accommodations for people  
25 to practice?

26  
27 Ms. Mortimer: At the moment we're the only Synagogue on Maui. And we don't have housing. I  
28 mean we're a very small, you know 1,100 square foot building. So no, we do not have any  
29 housing.

30  
31 Ms. La Costa: Thank you.

32  
33 Ms. Mortimer: Thank you.

34  
35 Mr. Carnicelli: Thank you very much. Vanessa Pearl Kwon. Jessica. That's your writing not my  
36 fault.

37  
38 Ms. Jessica Pearl Kwon: Oh sorry, yeah. I have terrible handwriting, I do.

39  
40 Mr. Carnicelli: Please state your name for the record.

41  
42 Ms. Kwon: Jessica Pearl Kwon.

43  
44 Mr. Carnicelli: Jessica do you promise to tell the truth?

45

1 Ms. Kwon: Absolutely.

2

3 Mr. Carnicelli: You have up to three minutes.

4

5 Ms. Kwon: Thank you. I wanted to thank you all for sitting here. I want to actually really thank  
6 the neighbors for coming and speaking. Myself personally I am not a big advocate of having  
7 vacation rentals all over the island and a lot of...I think Susan really addressed a lot of those  
8 things, but I am an advocate for having this one here because it follows the Jewish rules of  
9 keeping kosher.

10

11 Just to get into the specifics, if you want to keep kosher in somebody's home you keep your meat  
12 and your dairy separate and then you don't eat within...like if you meat dish, if you're kosher you  
13 don't eat a dairy dish for another four to six hours after that because you don't mix them. If you  
14 were...when I grew up my mom said, Jess go set the table. And I would say, meat or dairy? And  
15 she would say, meat. And so I would get the plates, they were white plates with brown flowers  
16 on them and I would put those on the table. And then I would put the meat silverware on the table  
17 and we would wash that in the meat sink. And then if it was the dairy plate, it was the 80's so it  
18 was like a gray plate with kind of like weird funky things all around it and so we had a set of dairy  
19 plates. And so a visitor can't just go into a regular kitchen and then make it all meat and dairy.  
20 There are rules you have to do like if you want to kosher a pot, you have to put it in the oven for  
21 a certain amount of time. If you want to use the knives that have been in like wooden, you know  
22 if you take it out of the wooden...thank you, the knife block, you know you can't use that. So it's  
23 a lot of paper plates, you can't just use the different things. There's two different ovens. So that's  
24 why I very respectfully and I'm hoping that maybe the community can come together on it, so I'm  
25 very respectfully asking that we give this one permission.

26

27 Mr. Carnicelli: Thank you very much. Any questions? Does the applicant have any questions  
28 for Jessica? Okay, thank you. So at this point, that's all the people that have signed up. Is there  
29 anybody else left in the...okay, please step forward.

30

31 Mr. George Shishido: My name is George Shishido. I live right across Janai.

32

33 Mr. Carnicelli: Do you promise to tell the truth?

34

35 Mr. Shishido: Yes.

36

37 Mr. Carnicelli: You have up to three minutes.

38

39 Mr. Shishido: Well, you know we as the country people we don't like to tell our neighbors what to  
40 do with their land. I own land, nobody's gonna tell me what to do on my property. I understand  
41 where Paul Sakugawa is coming from and I back him up on that. You know we had always been  
42 agriculture and I hate to say that we lost lot of agricultural land in the years to come. I'm 63 years  
43 old. I live on the property since 63, I mean for 63 years. I know Paul from when I was baby. You  
44 know we've all been lotta neighbors but I also want...I'm not gonna stop Jen or Janai and I talk to  
45 a lot of my neighbors. The only thing we wanna do is also protect agriculture and I see where

1 Paul coming from because he's upwind. We're all downwind. You know, I don't see no problem  
2 with her as long as there's no complaints about chemicals, dust, we all within the laws, you know,  
3 as long as there's no complaint we have nothing against it, you know, because I do want to have  
4 agriculture survive. Just to give you an idea look at Kula Glen, when Kula Glen came out  
5 Nakamura who was the closest farmers stopped. The biggest lettuce producer in the State of  
6 Hawaii stopped and I asked him why. He said, the complaints. Every time he would start the  
7 tractor the State over there harassing him. You know, there goes our agriculture. So I mean, I  
8 don't have nothing against Janai as long as there's no complaints with the farming activities.  
9 Thank you.

10

11 Mr. Carnicelli: Thank you.

12

13 Mr. Shishido: Any questions?

14

15 Mr. Carnicelli: Hang on a second, Commissioner Pali has a question for you.

16

17 Ms. Pali: So just for the record, are you in support or in opposition?

18

19 Mr. Shishido: Yeah, I'm in support as long there's no complaints with the agriculture activities.

20

21 Ms. Pali: Meaning complaints for your noise making farming machines?

22

23 Mr. Shishido: Yeah, and dust you know, that all comes along with agriculture.

24

25 Mr. Carnicelli: Great. Any other questions? Does the applicant have any questions? Great.  
26 Thank you very much. Is there anybody else that would like come forward and testify on this  
27 particular item? Seeing none, then if there are no objections we'll go ahead and close public  
28 testimony. So public testimony is now closed. I guess what we'll do now is start with questions  
29 from the Commissioners. Oh, does the applicant...go ahead and...yeah, come forward.

30

31 Ms. Holstein: Thank you. I just wanted to clarify that actually Susan Clements was correct there  
32 was an error in the presentation and that I did not invite them for a barbeque. I invited my  
33 neighbors, I sent out letters to everyone who protested and I invited them to come over to my  
34 house and speak to me and I invited them over for refreshments. I do have the signed return  
35 receipts from all of these neighbors to prove and I mean, I don't know if you have the copy of the  
36 letter that I sent everyone. It's fairly lengthy, but it addressed pretty much everything everyone  
37 brought up here today.

38

39 I, myself am I...I just finished the Maui Master Garden Program through UH ctahr. I also did the  
40 Master Garden Program in Los Angeles when I lived there. I also did the Go Farm Program  
41 through University of Hawaii. Why would I buy a property like this if I was not interested in  
42 agriculture?

43

44 In no way is the short-term rental intended or will...I will not let it happen to interfere with  
45 agricultural use on this property. This is my passion. I am so committed. I have such a respect

1 for the aina. I a hundred percent and I will go to lengths beyond measure to make sure that my  
2 neighbors don't get complaints and are comfortable and with a short-term rental there are rules  
3 that address all their concerns, noise hours I have to respond any complaint within one hour or  
4 the manager if I designate someone. That I plan to put it in every rental agreement that they  
5 understand that they're coming to the country, they're coming to a place where agriculture and  
6 there's gonna be issues, there's gonna be sprays, there's gonna be dust, there's gonna be you  
7 know machines and animals and I have animals and I have things.

8  
9 And yes, I did email Paul that email he spoke about regarding asking about chemical sprays  
10 because I am sensitive, my son and I are sensitive to chemical sprays I asked him to tell me his  
11 spray schedule so I that I could prepare. And the thing is is that I actually...with this whole process  
12 I've been so...it's been such a rollercoaster I've asked people if they were interested in long term  
13 renting and the people that I know I guess were...asked me well...in between the window of  
14 my...of the accessory dwelling, the ohana house, right outside that window is it's a corn field and  
15 then a pasture for the neighbor's goats and he saw the corn field and he said oh, do they use  
16 pesticides? And I said, I don't know let me check.

17  
18 So in truth, I believe and maybe I'm wrong, but that short-term rental...people come for visit they're  
19 not even home most of the day, they're out touring and then they come home at night and they  
20 sleep and they bathe and whatever they do. They're not gonna care if someone's spraying next  
21 to them. In a hotel there's pesticides all over for pest control. I think that if someone lives there  
22 long term that's where there's gonna be more issues in my opinion. There's so many more rules  
23 in place for a short-term rental and they can if things come up and there are problems they can  
24 come talk to me. If there are complaints they can shut me down. I'm asking for a chance. Give  
25 me a chance to show that there will not be an issue, I'm a good neighbor, I will make sure that my  
26 guests are good neighbors and that we can fill a need in the community. Thank you very much.

27  
28 Mr. Carnicelli: Thank you Janine. So I guess we'll start with you Commissioner La Costa since I  
29 know you got a question.

30  
31 Ms. La Costa: I'm the inquiry girl. I have a question for the applicant please. Aloha Janine.  
32 Thank you for being here today. Have you used your property for short-term rental activity  
33 previously?

34  
35 Ms. Holstein: No.

36  
37 Ms. La Costa: Okay.

38  
39 Ms. Holstein: Can I talk about that? I've had...I've used it as a guest house. I've used my ohana  
40 house as a guest house. I do not charge. I have had people, my friends and my family stay there  
41 but there has not been any money exchanged.

42  
43 Ms. La Costa: Thank you. Appreciate that.

44  
45 Mr. Carnicelli: Commissioner Castro.

1  
2 Mr. Castro: Chair I'd like to go into executive session. I have a –  
3  
4 Mr. Carnicelli: Is that a motion?  
5  
6 Mr. Castro: Yes, I'd like to make—  
7  
8 Mr. Carnicelli: We have a motion to go into executive session. Is there a second?  
9  
10 Ms. La Costa: Second.  
11  
12 Mr. Carnicelli: Second by Commissioner La Costa. Discussion to the motion? Seeing none—  
13  
14 Unidentified Speaker: There's got to be a reason.  
15  
16 Mr. Carnicelli: Okay, you gotta give me a reason I guess.  
17  
18 Mr. Castro: Well, I have a question on the recommendation that I think is more properly addressed  
19 if we go into executive session.  
20  
21 Mr. Carnicelli: Okay, concerns that you need to address with counsel?  
22  
23 Mr. Castro: Yes.  
24  
25 Mr. Carnicelli: Okay. So at this point I guess we'll go ahead and is there any other discussion on  
26 the motion? All those in favor of going into executive session please raise your hand. That is  
27 four, five. Opposed? One. So motion passes, so we are going to go into executive session. At  
28 this point I'm gonna put this meeting into recess and we will have to clear out the room. We'll let  
29 you know when we're back. Thanks.  
30  
31 **It was moved by Mr. Castro, seconded by Ms. La Costa, then**  
32  
33 **VOTED: To Go Into Executive Session.**  
34  
35 **(Assenting – S. Castro, P. D. La Costa, D. Thompson, K. Pali,**  
36 **C. Tackett)**  
37 **(Dissenting – K. Robinson)**  
38 **(Excused – T. Gomes)**  
39  
40 *(The Planning Commission recessed the regular meeting at approximately 10:32 a.m. to enter into Executive Session*  
41 *and adjourned at 10:39 a.m. The Planning Commission reconvened the regular meeting at approximately 10:42 a.m.)*  
42  
43 Mr. Carnicelli: The Maui Planning Commission meeting of June 25, 2019 is now back in session.  
44 I guess at this point we'll start up, Commissioner Castro do you have any questions at this point?  
45  
46 Mr. Castro: None.

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Mr. Carnicelli: Commissioner Tackett do you have any questions?

Mr. Tackett: No.

Mr. Carnicelli: Thank you. Commissioner Robinson? None. Commissioner Pali? None. Commissioner Thompson do you have any questions?

Mr. Thompson: Sure. Was there any letters of rescission received back? I saw the letter that you sent.

Ms. Furukawa: No.

Mr. Thompson: Nobody rescinded their decline. And second, if there's any issues would it be dealt with on Saturdays if there was an emergency. Is there anybody to call or deal with?

Ms. Furukawa: Yeah, the applicant is the manager.

Mr. Thompson: And do you live...I thought I read somewhere that you have also...you have property in Kauai is that it?

Ms. Holstein: I do own a home on Kauai.

Mr. Carnicelli: You got to come forward and speak into the mic please.

Ms. Holstein: Yes, so first of all, I am not as religious as I was when I was going up so I do respond to anything that happens on the Sabbath. I just know the laws and grew up with them so anything that comes up on a Saturday absolutely I'm right there. And then if I do have a designated at some point I will make sure that they're on top of it and be able to respond within the prescribed hour and then yes, I do own a home on Kauai and I actually rent it long term to the Chabad Rabbi on Kauai.

Mr. Thompson: Thank you.

Mr. Carnicelli: Commissioner La Costa.

Ms. La Costa: Thank you Chair. In here I read that and I believe you said that when you weren't here you would also rent the other home? So do you intend for the entire property to be a short-term rental if you're not on property?

Ms. Holstein: Yes, so my intention is I live with my son in the main house and I would like to just rent the second dwelling, the accessory dwelling as the short-term rental and then as I said, I'm from New York, my father still lives there, he's older. He's in good health right now, but if we go for a summer or if we go if he has failing health or something like that that was my thinking in applying for a short-term rental over a bed and breakfast if something happens that I need to go

1 somewhere then I would like to have the opportunity to also rent the main home and so yes, and  
2 I would have a designee. I would definitely make sure there was a manager and I understand the  
3 rules.

4  
5 Ms. La Costa: Okay, thank you.

6  
7 Mr. Carnicelli: Thank you. Any other questions? Okay, I guess at this point, Tara if you would  
8 give us the recommendation?

9  
10 Ms. Furukawa: Okay, so the application does not meet all of the criteria for Short-Term Rental  
11 Home Permit or a Special Use Permit therefore the Department is recommending denial of the  
12 both permits. The application does not meet Hawaii Revised Statutes, Chapter 205-6(E) which  
13 states that the land upon which the proposed use is sought is unsuited for the uses permitted  
14 within the district. The property will not be taken out of agricultural use, so it's not the case that  
15 the land is not suited for the uses permitted. Also, the application does not meet Maui County  
16 Code, Chapter 19.65.030(N)(4) and (7). (N)(4) states that short-term rental homes shall conform  
17 to the character of the existing neighborhood in which they're situated. Prior to issuing the permit  
18 the department or applicable planning commission shall consider community input and the  
19 applicant provided opportunities for public comment via the STRH process. So an application  
20 notification sign was posted along the main access road, a notice of public hearing was published  
21 in the Maui News and the applicant mailed notice to the owners/lessees within 500 feet twice.  
22 There were numerous letters of support, but there were also nine letters of protests. The Omaopio  
23 area is characterized by agricultural lots with active family operations and residential agricultural  
24 lots so visitors seeking a peaceful vacation may be disturbed by early morning farming activities  
25 and the protest letters state that surrounding farms have had to address nuisance complaints  
26 when non-farming activities move into the area.

27  
28 In addition, the Department and Commission must consider the number and substance of protests  
29 related to the cumulative STRHs in the area. As mentioned, nine protest letters were received  
30 and three were from adjacent neighbors. Three protestors who own four properties are members  
31 of the same family. Considerations considered included that dwellings would be taken out of the  
32 long-term affordable rental housing market and that there would be noise and traffic impacts. We  
33 want to note that the need for farms and farmer working housing is critical and people will be  
34 constantly be coming and going and complaining about farming operations. Because of the  
35 aforementioned reasons, the Department is asking that the Commission deny the permits and  
36 ask that the Maui Planning Commission authorize the Director of Planning to transmit the written  
37 decision and order on behalf of the Planning Commission.

38  
39 Mr. Carnicelli: Thank you Tara. At this point, I will entertain a motion from the Commission.  
40 Commissioner Pali.

41  
42 Ms. Pali: I think it's...may I speak or just go to the...can I speak to the motion first please?

43  
44 Mr. Carnicelli: Let's go ahead and put a motion on the floor and then you can speak to it.

45

1 Ms. Pali: I'll make a motion to follow the recommendation of the Planning Department in denial  
2 of this application.

3  
4 Mr. Carnicelli: Okay, it's move to deny as recommended by Staff. Do I have a second?

5  
6 Ms. La Costa: I will second.

7  
8 Mr. Carnicelli: Seconded by Commissioner La Costa. As the movant, you can speak to the  
9 motion.

10  
11 Ms. Pali: Yes, please. I definitely think that the intention and the purpose of the application is a  
12 great intent and I actually wholeheartedly agree with what you're trying to do but I have to honor  
13 the people that have had roots to the land for generations and generations. And because you  
14 have so much disparity between what the people of the land want and what you need for your life  
15 and what you're doing I don't think that that should be overlooked, I don't think that that should  
16 be precedent. And so we do want to keep these Ag areas in the intent of what they have been  
17 all these years and we have very many few neighborhoods left that have been untouched by  
18 vacation rentals and short-term rentals and so I would like to personally preserve as many as I  
19 can and so with that action that's what causes me to believe that this should be denied.

20  
21 Mr. Carnicelli: Thank you Commissioner Pali. Commissioner La Costa.

22  
23 Ms. La Costa: Thank you Chair. In concurrence with Commissioner Pali I think it is wonderful  
24 what your intent is because I have a lot of Jewish friends and they have the same issues, but I  
25 also need to say that Ag land is incredibly valuable for our sustenance and us being able to live  
26 because food shortages are becoming pretty apparent. So it...I think that the best use of this  
27 property is to leave it in Ag and leave the surrounding neighborhood also in agriculture.

28  
29 Mr. Carnicelli: Thank you. Anybody else would like to speak to the motion?

30  
31 Mr. Robinson: I do.

32  
33 Mr. Carnicelli: Commissioner Robinson.

34  
35 Mr. Robinson: Shalom. It's...a lot of times in what I've seen a lot is you know we talk about  
36 what's kosher, right, what's pono, all those things and it always seems that the people of Hawaii  
37 have to accept other people's traditions and then we have to give up something so that we can  
38 accept them so that they feel more comfortable and it's a tough balance. And our culture is always  
39 accepting and like you said even have a neighbor who does agriculture, who's for agriculture but  
40 you know he still feels that, you know we're an accepting community and I think, I think that the  
41 Jewish community is going to be well accepted here. I'm amazed that your association hasn't  
42 reached out to the tourism board yet and try to get some places to be more kosher and more  
43 accepting. I mean we have tens of thousands of Jewish visitors you know all the time in Hawaii  
44 'cause I know a lot of my friends and I would think that some resort would be able to accommodate  
45 and do that.



1  
2 Having said that I see this as a bed and breakfast. I see agriculture and people renting things in  
3 agriculture as bed and breakfast 'cause bed and breakfast helps support the agriculture so you  
4 have enough money to keep the farm going even though you might have a bad farm year. You  
5 know, and I think that's why you know bed and breakfast is such a strong thing in the rural areas  
6 and I see that as something that you could look at. You know, I think your letting people stay at  
7 the house you know just because of your generosity. I think that's a great thing and that's what,  
8 that's what people in Hawaii do.

9  
10 People in Hawaii don't have short-term rentals and bed and breakfasts, very, very, very few,  
11 maybe a handful, majority is all people not from here because people in Hawaii let people stay  
12 for free because they can and because they share and I feel that in you too. And think that kosher  
13 and with the Rabbis I think that would be a great thing that I hope for you to continue even though  
14 if you don't get this because I do feel that there's a need for sharing and growing for all types of  
15 communities and people on this place, but I think bed and breakfast is an area that you should  
16 consider. And I'm not even sure on the categories if you would even, if you would be an automatic  
17 or it would have to come here I'm not sure 'cause there is a different criteria for bed and breakfast  
18 compared to short-term rentals. Thank you Chair.

19  
20 Mr. Carnicelli: Thank you. Anybody else like to speak to the motion? Seeing none, Deputy  
21 Director.

22  
23 Mr. Hart: So the Department's recommendation is for denial.

24  
25 Mr. Carnicelli: All those in favor of the motion to deny as recommended by Staff please raise your  
26 hand. That is six ayes, unanimous. I apologize Janine. As Commissioner Robinson said, maybe  
27 there's another way for you. At this point, the motion passes and we will move onto the next item.

28  
29 **It was moved by Ms. Pali, seconded by Ms. La Costa, then unanimously**

30  
31 **VOTED: To Deny the State Land Use Special Permit and Short-Term Rental**  
32 **Home Permit as Recommended by the Department.**

33  
34 **(Assenting – K. Pali, P. D. La Costa, D. Thompson, K. Robinson,**  
35 **C. Tackett, S. Castro)**  
36 **(Excused – T. Gomes)**

37  
38  
39  
40 Respectfully Submitted by,

41  
42  
43 CAROLYN TAKAYAMA-CORDEN  
44 Secretary to Boards and Commissions II