Connections battle to build heads to court

By JOHN BURNETT Tribune-Herald staff writer

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Connections New Century Public Charter School is taking its battle to build a Kaumana campus to court.

On Monday, Attorney Ted Hong filed an appeal of the Windward Planning Commission's denial of the school's special permit application to develop a kindergarten to grade 12 charter school on about 70 acres of agricultural-zoned land on Edita Street near Kaumana Drive in Hilo. The appeal was filed in Hilo Circuit Court on behalf of Community Based Education Support Services, the charter school's board.

Appellees in the case are the Windward Planning Commission; County of Hawaii; the county's Department of Planning; contested-case hearing officer Sandra Song; Jeffrey Gomes, who lives on Edita Street and opposes the project; Sidney Fuke, a private planner and former county planning director; and Terence Yoshioka, a retired judge. The filing identifies Fuke and Yoshioka, who both live near the proposed project site, as Gomes' representatives.

Hong said Thursday his clients are "asking the court to take an impartial, objective look at our application."

"When you look at every county and state agency who has looked at our application, they've all approved them. And it's only the people on the Windward Planning Commission who couldn't get past their bias and their prejudice about the project," Hong said. "… One of the concerns raised by the hearing officer is that the application would overburden state and county agencies. As I pointed out at the last planning commission hearing, that's an important issue to highlight. So that must mean that one state or county agency must have said that this application would be overburdensome. None of them did. There's not one state or county agency they could point to who said that."

Plans for the proposed campus, which would support a projected 381 students and 25 "inter-generational clients" with a 30-bed dormitory, gym, cafeteria, library, caretaker's residence and two parking lots with a total of 140 stalls, have been in development since 2006.

Currently, the school has an $8 million low-interest loan from the U.S. Department of Agriculture to aid with construction costs for the campus project, which would ultimately cost about $20 million.

Hong said Song's report, which recommended denying the permit, highlighted community impact, for which Hong said there "are no objective standards" and a lack of water for the last of four building phases. Her report stated there would only be enough water to accommodate 70 students.

"We're proposing, based on where this is, because there's so much water (rainfall), we could use catchment water for non-potable purposes, like flushing toilets, like fire suppression — which is the same thing they're doing out in HAAS (Hawaii Academy of Arts and Sciences in Pahoa)," Hong said. "They have these big water catchment tanks that they're using for water suppression, which the Fire Department has no problem with.

"We're asking to be held accountable to those same standards, and everybody else said 'no problem.' It's only those individuals on the planning commission who couldn't see beyond their own prejudices on the project, who basically denied us. They don't have any planning degrees or background, they don't have any engineering degrees or background. … When you look at it, they were basically swayed by the influential people who live in that immediate area.

"So, when you pick apart all the arguments against the project, it was basically, they just didn't like this school. Maybe if it was an HPA (Hawaii Preparatory Academy) type of school, the opposition would be different."

Fuke said in a Thursday email that he does "not represent" Gomes and declined to comment. The Tribune-Herald reached out to Gomes by email Thursday but didn't receive a reply in time for this story, and was unable to contact Yoshioka.

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