



| Committee of the Whole

Legislature USVI

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0:00:00 Music Music Music Music Music Music Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. We'll be right back. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. We'll be right back. We'll be right back. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. We'll be right back. We'll be right back. Thank you. Thank you. Thank you. Thank you. Thank you. Good morning, good morning, good morning, good morning to all present, viewing and listening. The Committee of the Whole of March 13, 2023 is hereby called to order.

0:16:14 I'm Senator Novel E. Francis Jr., Senate President, and today I'll be the Chair of the Committee of the Whole. I'd like to welcome you all to today's Committee of the Whole, where we will consider zoning and variance applications. Today, we are happy to be joined by students from the St. Peter and Paul U.S. government class. As a freshman senator, I sponsored Act 7934, which expanded the public school curriculum to require civics courses for all high school students. I believe one of the most important things that we can do for our young people is to ensure that they understand the role of government and how they can shape our community and government of course. Please join me in extending a warm welcome to our visiting students from the St.

0:17:03 Peter and Paul School. These applications were forwarded to the legislature for further vetting once the DPNR process of the reviews and public hearings were completed. Obviously the matters heard at Friday's Committee of the Whole and that will be heard today all come at a time when the territories tackling the land comprehensive land and water use plan and let me take this opportunity to congratulate dpnr and the work that they've been doing again to the level of participation by our community and obviously everyone seems to be interested in the land and water use plan and over the next 18 months there'll be some review and hopefully we could really bring this to the finish line by then. Right, Commissioner?

- 0:17:56 Today, as legislature, our responsibility is to continue to at least hear testimonies, and despite what we have dubbed spot zonings, in some instances, we still have a responsibility to move these measures forward. So today is one of those days that would be also on Friday. We had an opportunity to vet a number of those measures. I remind all that's present and listening that there are no votes taken in the committee of the whole but instead the committee will vote on these matters at a later session anticipate a robust discussion on the items before the committee today and I'll ask that everyone be respectful as we proceed with today's agenda at this time I like to remind individuals that either participating virtually or present here in the chamber so please turn yourself phones off or and silent as to not interrupt today's proceedings Madam Clerk can I have a roll call Senator Marvin A Blyton Senator Blyton present Senator Angel L Bocas jr. Senator Bocas jr. present Senator Diane T. Capehart Senator Capehart Present. Senator Samuel Carrion. Present.
- 0:19:21 Senator Carrion. Present. Senator Duane M. DeGraff. Senator DeGraff. Absent. Senator Ray Fonseca. Present. Senator Fonseca. Present. Senator Novell E. Francis Jr. Here. Senator Francis Jr. Present. Senator Alma Francis Heiliger. Present. Senator Francis Heiliger. Present. Senator Donna A. Fred Gregory. Senator Fred Gregory. Senator Kenneth L. Gittins? Here. Senator Gittins? Present. Senator Maurice C. James? Here.
- 0:19:53 Senator James? Present. Senator Javon E. James Sr.? Senator James Sr.? Absent. Senator Franklin D. Johnson? Here. Senator Johnson? Present. Senator Carla J. Joseph? Present. Senator Joseph? Present. Senator Milton E. Potter? Here. Senator Potter? Present. Mr. President, 12 members present, 3 absent. Very well, thank you very much. Madam Clerk, any correspondents to be read into the record at this time? Yes, Mr. President.
- 0:20:21 You may proceed. Letter dated March 13, 2023. The Honorable Novell E. Francis, Jr., Senate President, Chairman, Committee of the Whole, 35th Legislature of the Virgin Islands Capitol Building, St. Thomas, USVI-00802. The Senate, President Francis, due to traveling challenges, regrettably, I will be late in attending the committee of the whole meeting scheduled for monday march 13 2023 i will be in attendance as soon as possible and i apologize for any inconvenience this may cause thank you for your understanding in this matter respectfully jovan a james senior senator 35th legislature of the virgin islands letter dated march 13 2023 honorable novelle e francis jr senate president 35th legislature of the virgin islands capital building st thomas virgin island zero zero eight oh four there mr president please accept this correspondence as a formal notice of my late arrival to today's committee of the whole hearing which is scheduled to begin at 10 a.m in the earl b atlee legislative chambers on st thomas please have all circulated documents placed on my desk for immediate review upon my arrival thank you for your consideration on this matter regards dana a fred gregory chair committee on budget appropriations and finance this completes the correspondence for the day mr president very well thank you we'll certainly recognize those senators as soon as they arrive in the chambers at this time madam clerk please read today's agenda into the record the 35th legislature will convene in committee of the whole to receive testimony on the following zoning requests block 1 bill number 35-0052 an act amending official zoning map number SJZ-3 for the island of st. John to change the zoning designation of parcel number 14 remainder Este Carolina Coral Bay quarter st. John from R-2 residential load density one and two family to B-2 business secondary neighborhood invited testifiers the Honorable John Pierre L Orio, Commissioner, Department of Planning and Natural Resources, Leah Laplace-Matthew, Territorial Planner, Department of Planning and Natural Resources, Michael Millen, Authorized Agent. Bill number 35-0053, an act granting a zoning use
- 0:22:47 variant for parcel number 84, estate content, number 7B, Southside Quarter, St. Thomas, Virgin Islands, from the R-3, residential medium density, zoning designation to allow for offices invited testifiers the Honorable Jean-Pierre L Oriol Commissioner Department of Planning and Natural Resources Leah Laplace Matthew Territorial Planner Department of Planning and Natural Resources Roger Minkoff authorized agent block 2 bill number 35-0024 an act granting a zoning use variance for parcel number 5C estate Anna's Retreat number one new quarter st. Thomas Virgin Islands to allow for dwell to allow for dwellings invited testifiers the Honorable Jean-Pierre L. Oriel Commissioner Department of Planning and Natural Resources Leah Laplace Matthew Territorial Planner Department of Planning and Natural Resources Mark Grimes Mark Grimes excuse me representative 5C-AR Holdings LLC Vanetta C. Norman Esquire Representative 5C-AR Holdings LLC.
- 0:23:59 Bill number 35-0040 and acts of granting a zoning variance for parcel numbers A1-24 and A1-25 S.A. Thomas number 6K New Quarter St. Thomas Virgin Islands to allow an office two one-bedroom apartments flex space flex space gym 13 parking spaces one handicapped cistern and gray water cistern and accessory building for generator and garage space invited testifiers the honorable jean-pierre l oriole commissioner department of planning and natural resources leah laplace matthew territorial planner department of planning and natural resources jason charles chief external affairs alpine group usvi llc this concludes the reading of today's agenda mr chair thank you very much madam clerk and because of of time and um scheduling conflicts we have decided to move forward with block number one and we'll be doing bill 35.0052 and bill 35.0040 in this block one and then we'll proceed to block two immediately after that. I plan to try to

accommodate everyone so that we can get individuals moving out of here in a timely fashion.

0:25:20 At this time, I'll ask everyone to please put the name on record, and we'll start from my left to right, and then we'll also go to the St. Croix Chambers. You may proceed. Good morning, senators. My name is Jonna Nielsen Bobbitt. I represent Bio-Impact, an environmental consulting firm. Good morning. My name is Jason Charles. I'm representing Alpine Securities, USVI. Morning, everyone. Jean-Pierre Oriel, Commissioner, Department of Planning and Natural Resources. Good morning, Senate President and members of the 35th Legislature.

0:26:00 My name is Leah Laplace-Matthew with the Department of Planning and Natural Resources, Division of Comprehensive and Coastal Zone Planning. And we also have on St. Croix, our planning technician, Jewel Polimis. Good morning, my name's Michael Milne. I'm from Barefoot Design, representing the Animal Care Center of St. John. Very well, thank you very much. At this time, Ms. Polimis, if you just do a mic check. Good morning.

0:26:33 Good morning. You're sounding loud and clear. I'd also like to recognize the presence of Senator Dwayne DeGraff. Good morning, Senator. Welcome. No, Francis Heidegger was recognized. I'll join the roll call. Senator Bulk, as you recognize for your point of personal privilege. Thank you, Mr. Chair. Good morning, everyone. Point of personal privilege. I'd like to thank the two gentlemen who saved individuals from a car that went over the waterfront early Sunday morning, 18-year-old Dylan Hodge, and also Mr. Ajayi Gregory, who happens to be the son of our Farmer Senate President, Donna Fred Gregory. Thank you, Mr. Chair.

0:27:21 Thank you very much, and I guess that's the waterfront here at Veterans Drive in St. Thomas. Very well. Again, we want to thank those individuals, again, those that put their life at risk, to save other individuals. Those continue to be the and song heroes of the Virgin Islands and we certainly express our appreciation for their efforts. We'll just do a quick one-minute recess so that we could make sure that individuals are situated, media has all of the necessary videos so that we could proceed once we get started.

0:27:55 The Committee of the Whole stands at recess for one minute. Transcription by CastingWords Thank you. Thank you. Thank you. Thank you. We'll be right back. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. We'll be right back. We are out of recess, again today we are in the committee of the whole, hearing matters in regards to requests for zone changes and also variants at this time we'll recognize dpnr for our presentation of the first bill bill 35-0052

0:35:49 good morning again to the 35th legislature to the viewing and listening public of the virgin islands the first report for zaj-20-5 i will have planning technician joe polimis put that testimony on record good morning report on petition to amend official zoning map number sjz-3 application number ZHA-20-5. Petition of Animal Care Center of St. John Inc. requesting that parcel number 14 remainder estate Carolina number one Coral Bay Quarter St. John be rezoned from R2 residential low density one and two family to B2 business secondary neighborhood. Owner and applicant Animal Care Center of St. John, Inc., as per warranty deed dated February 23rd, 2017, document number 2017-001980 Acreage. Parcel number 14 remainder of State Carolina consists of 2.309 acres as shown on drawing number D9-6941-T001. Current use. The property is vacant. Proposed use. An animal care center, kennels for dogs and cats, 20 and 19 respectively. Veterinarian's office, classroom for outreach, trainings, meetings, one-bedroom employee, housing

0:37:35 unit children's playground and walking trail surrounding uses and zones to the north is undeveloped property to the east is the moravian church property proposed for a marina to the south is pickles restaurant to the west is commercially developed property former gas station now a market the surrounding area is zoned r2 b2 and w1 waterfront pleasure infrastructure water needs will be supplied by cistern and wastewater will be handled by an aerobic treatment unit public response at dpnr's public hearing held october 2nd 2020 56 individuals attended and 26 registered their support for the application 72 emails and letters were also received prior to and subsequent to the public hearing 27 in opposition to the application 3018 support, 5 expressing concerns, a support petition with over 500 signatures, 150 plus were residents, and an opposition petition from 18 property owners. The following were expressed as reasons for opposition and concerns with the application. One, noise from barking dogs. Some individuals requested the addition of specific noise abatement requirements, sound mitigation shielding screening with high natural screens such as bamboo trees hedges and or vines on fences. Two, high concentration of wildlife in area that could trigger dogs barking. Three, barrier walls can only reduce noise level if they are tall enough to break line of sight from origin to receiver. Concrete is known as is known for poor acoustic performance. Its rigidity causes noise to increase upon impact? Four, will architect guarantee noise not disturb

0:39:31 villa renters? Architect and shelter to provide bond to cover relocation cost if noise not contained? Five, location is a high priority issue. Will there be any recourse mitigation if promises of a soundproof kennel is not realized? Six, landing question is at base of a natural amphitheater and theater shaped semicircle which projects sounds upward and bounces

them back and forth over valley walls seven has a sound survey been done request acoustical engineer or other expert to do an estimate of area believed will be affected due to due to topography and winds eight impact of barking on residents and tourists quality of life mental health and well-being noise pollution causes stress and other adverse health effects. Elevated environmental noise can cause hearing impairment, hypertension, heart disease, and sleep disturbances. Nine, survival of nearby businesses with presence of barking dogs and negative economic impacts. Impact of dog smells on pickles restaurant and patrons. Ten, will this impact the summer's end marina, Caliche Point on Bordeaux Mountain Villas. 11. More than 25 vacation rentals will be affected. 12. Coral Bay Community's main draw for residents and vacationers is it is peaceful and quiet.

0:41:00 13. Negative impact on hospitality industry, which is already struggling and could hurt economy of this area and diminish property values. 14. Noise abatement plans seem unrealistic and unattainable. The plans as they exist do not address the issue of noise in a significant way. Fifteen, waste disposal. Sixteen, site is in a floodplain, zones A and AE, building in floodplain in time of sea level rise and climate change. Seventeen, increased health risk from an impaired body of water. Eighteen, environmental impacts.

0:41:37 Nineteen, would proposal improve or worsen current feral cat population in Coral Bay? 20. Majority of those in favor do not live in Coral Bay Valley, so not concerned with noise. Do not realize how many people will be affected. 21. Music played at Pickles could be heard up the hill. 22. No way proposed location and its kennels would not disturb the peace. 23. Is it worth discussing land swap in another location? 24. Will there be windows in kennels? Will they be closed, air-conditioned?

0:42:12 25 lots of better places for an outside dog kennel 26 will outdoor dog run have roof 27 once rezoned no way to stop an influence project 28 st john is not best place to raise dogs not supportive of larger operations in proposed location 29 why requested b2 when does not allow dog kennels? Why not commercial, industrial or variants? 30. Backup electrical power plan? 31. Would property owner agree to further subdivision to retain open space? The following were expressed as reasons for support and response to the concerns above. 1. The animal care center's request is critical to future of animal control, mentoring husbandry to youth and developing means of becoming financially self-supporting in the future. Two, the Animal Care Centre has worked with the Department of Agriculture to manage and control feral and abused animals of St. John. Three, ACC is only entity responsible for the feral and abused animals on St. John. Four, ACC's primary feral cat program includes feeding stations and trapping of cats for neutering five acc was responsible for air evacuation prior to and after the 2017 storms 16 location well suited for proposed usage seven cruise bay location no more noisy than general traffic and surrounding businesses eight property large enough to mitigate noise and sanitary issues nine shelters and boarding kennels have mitigated sounds of barking dogs worldwide technology exists is available and widespread 10 not a great amount

0:44:10 of land zone for business or commercial uses on st john 11 another area suggested but it's difficult to find another comparable property on st john at same price little lands of this type on st john and even less with relatively level terrain 12 current zoning would allow significant and residential development, a source of significant noise. 13, noise can be mitigated. ACC proposes both perimeter walls with sound absorbing materials and landscape buffering to further mitigate and absorb noise. 14, dogs shall be kept inside at night.

0:44:50 15, ACC currently self-sufficient on solar power and continue to do the same to provide air conditioning to indoor areas. 16, B2 suggested since adjacent parcels have same zoning and the zone does allow animals, hospitals, and clinics. Surrounding parcels are used commercially. 17, ACC plans no further subdivision. Analysis, during the department's public hearing, Mr. Michael Millen, Mr. Ryan Moore, and Ms. Jessica Palmer testified on behalf of the Animal Care Center of St. John, Inc. proposed use will be developed in one phase taking less than a year and consistent of one building with a maximum of two stories developed on the highest point of the property due to flooding regarding the environmental concerns the animal carrier center acc would have to meet the various permitting agencies requirements and standards for environmental health and safety prior to commencing construction namely coastal zone management environmental protection and building permits floodplain management federal flood insurance is required for all buildings in mapped flood zones shown on fema maps if they are financed by federally backed loans or mortgages all elevations to the building should be met to avoid future events related to flooding Most of the site will be undeveloped for stormwater retention. A playground and walking trail could go in the undeveloped area so as not to disturb stormwater retention. The applicant petitioned for the rezoning as there had been an increased need for their services, especially in the Coral Bay area.

0:46:33 They planned to move the current undersized facility to a more updated facility closer to where many of the animals come from. Design-wise, the kennels will be indoors, and dogs will be spaced with walls in the middle of kennels so no interaction and thus agitation and noise would not occur between dogs. The dogs would be inside from 5 pm to 9 am. A

certified company will be hired that specializes in soundproofing shelters and an employee will live on site to immediately address any disturbances. At a minimum indoor noise will be mitigated with use of wall insulated panels and installation of rubber panels on walls floor roof and deck outdoor noise will be minimized by filling in the concrete front walls with sand and adding noise buffers such as a perimeter wall the department recognizes the importance of the petition and believes a balance with the surrounding residences and vacation rentals can be found the department is not inclined to recommend a rezoning but rather use variances with conditions that can be fulfilled with acquisition of coastal zone and building permits recommendation the department of planning and natural resources recommends that parcel number 14 remainder estate carolina number one coralby quarter st john be granted use variances to allow for animals boarding kennels clinic office hospital veterinary shelter pound and playgrounds with the following conditions one noise survey shall be conducted prior to the building permit application submission to determine the area that may be impacted by noise two noise proof building walls and ceilings shall be designed and developed based on results of noise survey three no outdoor kennels allowed signed by retired assistant commissioner Keith Richards dated december 3rd 2020 that concludes the reading

0:48:35 thank you very much miss and um next we'll go to mr milney um you recognize your testimony at this time good morning thank you for this opportunity um it's a wonderful cause uh i've been working with the acc for 20 25 years and um it's a significant need for st john and nobody else works as hard as the people that do at acc i don't know if we can put the graphics up on the screen is that possible to walk through that presentation do you have an official testimony or just going to be um i was just i didn't have written testimony i was just going to introduce the presentation and walk through the drawings and presentation very well media you could um go ahead and run the presentation uh this is you know it's a non-profit a lot of the funding or all the funding is by donation um and outreach and and trying to meet with the public um as you can tell from the support letters there's a great deal of support for this project on st john um next slide uh this is ryan who's behind me today um a lot of dogs cats are feral and not doing well. ACC finds homes for them, rehabilitates them and brings them back to health. Here's a lot of the examples of animals being brought to different parts of the states. ACC is a no-kill shelter so if they get to the shelter they will find a home one way or the other. More photos of of them heading off island and the cats don't forget the cats oh that one's not so good

0:50:29 here's an example of strays that are found without food or shelter and then the same dog a short time later back in health and looking for a home Another example of a dog found in bad shape and doing much better later. So these are the drawings that we submitted to DPNR. We're in the initial stages of the CZM level set of drawings. We're looking for zoning compliance so that we can move forward with the project. We're trying to keep a design that you can see the site. The building is proposed for the northern corner of the site. All the parking and the building itself is at that point, at the high point, and then the southern section would be left undeveloped, and that's closer to the main road.

0:51:24 So the building would be offset. A lot of that area would be used for stormwater retention, reducing impact to the rest of the community, trying to keep it very low-key and residential in nature. two-story maximum, DPNR has already outlined all the different program requirements or program components, but I know noise has always been an issue. All the kennels are indoor, air-conditioned, sound abatement fabrics and panels to reduce that reflection of a sound, and we did discuss hiring acoustic consultants to make sure that everything is done properly different layouts for the different parts of the building here's the elevations of the building sections and I guess that's about it thank you very much thank you Commissioner Oh Miss Laplace Matthew we vetted this very same measure back in the 33 legislature can you put an record what transpired and the reason for us again reconsidering this this measure yes senator thank you so there was a bill proposed the bill however did not contain the conditions the department recommended as part of the approval so the bill was vetoed so the applicant is here trying to get this brought forth again very well thank you anything else on this particular bill no Senator very well let's move and proceed to bill 35-0040 at this time okay good

0:53:13 morning again report on petition to amend officials on a map number STZ-7 application number ZAT-23-3 petition of Alpine group USVI LLC requesting that I use variance be granted to the r3 residential medium density zone parcel numbers a-1-24 and a-1-25 estate tamas number 6k new quarter st tamas project profile owner applicant alpine group usvi llc as per special warranty d dated july 26 2021 document numbers two zero two one zero zero five one four five and two zero two one zero zero five one four six acreage the properties The properties comprise a total of 2.55 acres and is described on PWD drawing number D9-3894-T87.

0:54:25 The property is undeveloped. Proposed use. A mixed-use development consisting of an office, two employee housing units, and parking. Surrounding uses and zones. To the north is the former Paradise Point ticket booth. Undeveloped land surrounds the property to the north, east, south and west. The surrounding area is zoned R1, residential low density, R3, B2, business secondary neighborhood, and C, commercial. Infrastructure. Water needs will be supplied by cistern.

- 0:55:04 Wastewater will be handled by a sewage treatment plant. Public response. At DPNR's public hearing held November 21, 2022, one adjacent property owner expressed concern with the road and there currently being no proper drainage. Analysis. During the department's public hearing, Alpine Group representatives, Mr. Pat Bailey and Ms. Leah Houston and their consultant bio impact testified the intent is to construct the office for Alpine group and two efficiency style dwelling units the two-story building will have the office on the top floor and the housing on the bottom floor the housing would not be open market but for use by employees and visitors approximately 10 people employees and office visitors would be occupying the site daily. The current R3 zoning allows for retail, office, and other non-residential uses, however with conditions. Namely, a hotel, guest house, and or apartment complex of five plus units would need to be on the site to allow the non-residential unit uses as accessory uses. The area has a mix of zones and has developed with a mix of residential, business, and commercial uses. In analyzing the applicant's requests, the department considered the uses that could be developed under the R1 and R3 zoning of the surrounding area and the compatibility with an office and housing. There were no concerns expressed by the public on the proposal and the current
- 0:56:57 existence of mixed uses and zones in the greater surrounding area would not be negatively impacted by an office. The Department of Planning and Natural Resources recommends that a use variance be granted to the R3 residential medium density zoned parcel numbers a-1-24 and a-1-25 estate thomas number 6k new quarter st thomas to allow for offices signed by retired assistant commissioner keith richards dated january 17 2023 and that concludes the department's report on this petition thank you very much at this time we'll go to mr charles morning morning honorable senate president novelle e francis jr members of the 35th legislature of the virgin hands and the listening audience i am jason charles and i'm here in my capacity as chief of external affairs for alpine securities usvi with me in the chambers and members are members of bio impact team to my right is miss jana nielsen babbitt and she will be representing um impact who helped us on the environmental assessment as well as any construction issues also in the chambers and noel is the coo miss catherine bryan she is back there she's here for to support us and any questions you may have she may also be able to answer as you know alpine securities and is is an investment trading firm based here in st thomas usvi since 2008. we are beneficiaries of the usvi economic development authority economic development commission tax incentive program alpine has truly enjoyed giving back to the community in addition to funding many community
- 0:58:51 organizations we have started several of our own initiatives to include the king of the win contest which has raised over \$600,000 towards local charities such as Nana Baby Home, Junior Achievement of the Virgin Islands, and most recently, the Children's Museum. Today, we are here to request a use variance be granted to R3 Residential Medium Density Zone parcels number A-124, A-125 Estate Tamos and number 6K New Quarters St. Tamos for the purpose of constructing a permanent office building for Alpine's headquarters. We hope the body, we hope this body will find this request as Alpine further its commitment, further its commitment and itself to its operations to be placed in the St.
- 0:59:41 thomas for years to come the intent to construct the intent to construct offices for alpine is consistent of two efficiency style dwelling units the two-story building will have the office on the top floor and housing on the bottom floor make no mistake this is not going to be a project that would allow be airbnbs or any type of any type of tourism related activities this is going to be simply for our employees and for visitors that we may have that are related to the company at some point so i want to make sure that's put out there clearly approximately 10 employees will be traversing that site daily currently the land surrounding the property is northeast east south and west are undeveloped the surrounding area is zoned r1 residential load density r3 b2 2, Business Secondary Neighborhood, and C. Alpine is excited at the possibility of securing permanent home for its company in its beautiful estate Amos. With this body's approval, we hope to commence work on this project as soon as possible. We thank you for the opportunity to present our request and remain available for any questions that you may have. Thank you.
- 1:00:59 Thank you very much, Mr. Charles. Ms. Bobbitt, do you have any testimony as well? Yes, Senate President, I actually have a slide, please. Media, can you go ahead and run the slide while Ms. Bobbitt? Good morning again. In the interest of time, since much of the information on the slides have already been covered, I'll skip through and just provide some illustrations about the area. Thank you.
- 1:01:32 okay so this is a map to show you the project site which is circled in blue the site is located to the east of the haven site area can you project a little bit more please i'm sorry let's get a little bit louder the site is located to the east of haven site area and is on the roadway to paradise point the tramway runs immediately adjacent to the property and the property is just outside of the cesium tier one zone this summary was already covered by miss laplace matthews it just describes the acreage so i will skip to the next one this is a survey map for the site as you can see it is a fairly steep site and there is just one large kennep tree on the site there are no large mature trees other than than the Kenneth again this shows the topography the steepness of the site in relation to the proposed structure that Alpine would like to construct this is a little bit more of the same a topography from a different angle and a visual of what the project is intended to look like this

aerial shows the site in relation to the cistern which has a reddish roof and the tramway and the road which surrounds the property on three sides These are photos of the site, which used to have a catchment, a water catchment area. The image on the left is, oh, excuse me, I think my left and right. The one on the left side is from 1954, and the one on the right is from the early 1940s. might have that excuse me 1940s on the left 1950s on the right so that's just to show what the site looked like previously this survey map highlights the remains of the old water catchment that was

1:03:53 in the previous photos which is on the left side these are primarily stone walls that remain there There are some pieces of old concrete in the northeastern corner of the site which remain from the catchment. The old cistern still remains across the roadway. These are photos to show some of the remaining concrete debris on the site from the old water catchment system that was in the images.

1:04:26 these are boulders or these are images of boulders and pieces of the catchment in the northeastern corner you can also see a junked Volkswagen car is has been left on the site and the remains of of the old stone walls. This is another map and this depicts the property in relation to the residential community to the east and to the commercial uses to the north and the west.

1:05:10 As both Ms. Laplace and Mr. Charles already described, This is the zoning around the plot and see R3, R1, R3 undeveloped. And this is just a different map of the same information from an aerial view. And that concludes the presentation from the environmental consulting firm. Very well.

1:05:37 Thank you very much. copy a photo of what is the projected outcome the final product look back it was it was posted a minute ago but we could I could have that I think well my colleague is saying it went a little bit too fast if you can pull it up one more time immediate help do you mind putting the slides back up for me so it's a very steep property so we're building it and it's kind of building on a cliff yeah And the upstairs will consist of 13 parking spaces to the top layer. I guess it will be the top floor. Anytime I'm wrong, just make sure you jump in.

1:06:16 Then it will be the office space, and then to the bottom will be the two dormitories, two apartments, single efficiency apartments. That's a really good clear of what we expect to look like. Very well. Thank you. Thank you very much. And the building will be designed to withstand hurricane force winds of about 200 miles per hour very well thank you at this time I'll open up the floor for questions by my colleague and we'll have a four minute round and we'll begin with you senator Francis Heidegger good morning you're recognized good morning good morning to my colleagues good morning to the testifiers good morning to the people of the territory and staff first I'm going to start off with 350052 in regards to the kennel. My first set of question has to do with soundproofing.

1:07:11 There has been much concern, even constituents calling in, and their concern had to do with the potential of the noise in the area. And you spoke about the animals being inside between five to nine a.m. What are your thoughts in regards to the soundproofing of that during the evenings? Is that something you're going to do? Because to say that you potentially could do it and you're actually doing it are two completely different things. Definitely doing it. Okay, so it's something that will be done. Definitely. We've already done the research. We've contacted multiple firms that do the acoustic consulting. It's a combination of making sure the buildings are enclosed and that the dogs are inside but then absorbing materials on those walls so that nothing is bouncing around it's better for the animals it's better for everybody okay it's approximately um just how many animals do you think you'll be able to hold at any given time maximum um i think it was 20 uh dogs and i think it was probably 40 cats i think off the top of my head okay um on the drawings there it's actually labeled and so you can go through when i when i was listening to the testimony i kind of was like they're even going to get a glorified babysitter somebody's going to be living right i mean that's not a little bit more so the the concern is that if there's a problem if there's dogs barking if something triggers them there's somebody there all the time that can uh you know quickly get down and and address the situation and that person is living there 24 7 or they're going to be there in the evenings uh it's an apartment it's an efficient apartment so you know they can it's not just a bed in the corner it's it's an apartment

1:08:56 so they get to live there all the time and hopefully be part of the staff okay one of the other things that um animals attract other animals that's that's just a given between the noise the scent how are you guys going to mitigate that when you have potentially these animals outdoors so there's uh screening walls around the perimeter so that even if the doors are open and during the day there's nobody you know there's not a fence that open fence the donkeys are walking by i i work there and uh on saturdays there's a ceramic studio right next door and so i'm on that site for the last two years every saturday and the donkeys come through and that can trigger the dogs in the area already um but uh they're going to be screened at the kennel and they won't see the donkeys good thank you for sharing sure um alpine project um 34 0040 one of the things that i was reading and listening there was a concern with drainage how do you guys intend to address that i'll let miss uh miss bobbit respond to that sure uh so a two-part answer uh the first part is that the site is in a fema flood zone x which means no flooding is expected so it is not in a flood plane the second part of that is there's also no drainage ways

running directly through the property so there are no guts on the property as far as the addition of the driveway and even stepping back any area that has been cleared for construction will be re-landscaped and stabilized so it will not contribute to the runoff in the area and i was on that call when that happened and okay mr hodge it's it's the paradise point road okay thank you for sharing

1:10:46 that um something else you guys shared in regards to um having two efficiency side on the property i know what popped into my head you know what when you i said i know what popped into my head when you said that okay but i would like for you guys to expound a little bit more as to the necessity of it sure you speak about potential of the employees using it and people coming in sure so alpine um his footprint is the u.s virgin islands its headquarters is the u.s virgin islands but we do have partners that are based outside of the united states we have partners that are based in new york miami and so if we decide to have a client meeting or bring partners in to have you know strategic discussions regarding the future of our investments and you know what we're going to be moving in and looking at this coming year we tend to bring we'll tend to bring a team in and have them stay somewhere um in the past we've used allies the ritz carlton um because it's close to where our office is um in red hook i think now with having this building here it'll be a good opportunity it's cost effective for you yeah it'll be a good opportunity for us to be able to to have them centralized right there and be able to get that beautiful harbor. Okay, well, my time has been called.

1:12:07 Thank you, Mr. Chair. Are we having a second round or just this one? If need be, I'll probably do a rapid round. Thank you. Thank you very much, Senator Francis Heiliger. Next, the Chair will recognize Senator Franklin D. Johnson for his four minutes. Good morning, thank you very much, Mr. President. Good morning to my colleagues. Good morning to the testifiers. morning to the viewing and listening audience. I'd like to give a special shout out to the St. Peters and Paul's senior young men that are here in the audience. And I look in the audience and I ask Mr. Farrell, where are the young ladies? And there's no young ladies in this class at this time. So kudos to you guys and it's important that you be involved in this community and understand the logistics of how politics is operated. So I thank you for even taking your time out today and coming here thank mr farrell for bringing the young men i'm out here and they had a lot of questions they give me and i only got four minutes so i gotta do my best with what i have here i get 15 of us right i'm gonna start with the uh z2-5 i i love dogs i can't live without a dog when i wake up in the morning the first thing i do is feed my dogs and i i am the pictures that you showed here it's saddened when you see the condition of some of the stray animals but also on on the highways on st croix and quite sure happened in st john you see a lot of dead carcass of dogs that was straight that people just didn't take care of you know i always said to people if you if you can't take your animal don't get it and my question to you is because dpnr gives some specific conditions here and one of the conditions before you could do anything a survey will be be conducted prior to you getting a building permit. My character said that, Ms. La Paz, that no building permit will be allowed until you do that noise survey.

1:13:57 Correct, Senator. And you're willing to comply with that? Yes, yeah, we're very much interested in complying with everything. They gave three conditions, that was one of them. You're willing to comply with these guidelines that DPR put in place? Yes. And right now you said there's a facility already in St. John? There's a smaller facility on, I believe it's rented government land in Cruz Bay. And you're leasing from the government now? That's leased from the government, you think? And there's no room for expansion on that property that you're on right now? It is the size of a postage stamp. Okay, I understand. You know, with these two particular bills here, I have no quarrel. The Department of DPNR is in support with giving you certain conditions. At the appropriate time, I will support it. And I will say thanks for what you're doing for these animals. I really sincerely mean that. I love my dog. I'm not a cat guy, but I love my dog. So definitely I'll be supporting. And Mr. Jason Charles, good morning. Good morning, sir. I'd like to hear you speaking a little bit. I want to catch you. You're out. It would be hard with me. You're coming here being quiet.

1:15:01 I want to ask you a question. How many employees does Alpine have right now? Currently, off the top of my head, I think we're around, I think, about 11 or 12 right now. Solid. and where is your office located at this time you're renting yeah we've been yes we have been in the location of um american yard harbor one minute about 2008 um and so we're looking for a permanent home and this is going to be our permanent home that's a good thing anytime you can save some money and alpine have been generous to this community and and many times i saw you guys donate some funds so you'll be able to give a little more this time once you get this done what do you know i mean we have we've you know interesting that you talked about that you know in the in the period alpine has been around we've extended um i would say roughly over three to five million dollars in contributions directly or directly to the community a lot of the a lot of times the owner of the company um chooses to do it anonymously um and so there's a lot of uh you know, things that have happened over the years that Alpine felt compelled to do because this is a very small community. But it's not about notoriety. It's just because it's the right thing to do.

- 1:16:17 And my last question will go to DPNR. In the last segment, you said it starts off on page 2 of 2. May I wrap up, Mr. President? You may wrap up. You talk about a hotel, guest house, and or apartment complex of five-plus units would be needed on the site. This is addition to what they proposed. It's all in one structure. No, Senator. It's a clarification of the R3 zoning. If you wanted to do an office, you had to have either a hotel, guest house, or apartment complex of at least five units in order to get an accessory office.
- 1:16:54 Okay. Thank you very much. I have no further questions, Mr. Chay. Thank you very much. Thank you very much, Senator Johnson. And, of course, we didn't talk about spay and neuter today, but you know to again to stop the abuse that we're seeing of our animal population especially with our dogs we strongly encourage spay neuter of those because I too feel very connected to my canine we don't call him dog yeah my canine next we'll go to Senator Graff you recognize for your four minutes thank you thank you mr. chair good morning this oh thank you mr. chair good Good morning colleagues, good morning testifiers, all of you listening and present. Welcome to the young men from Catholic school. Mr. Farrell also is a great man for you to follow in his footsteps, okay? Military top NCO. So I'm confident that you're under good leadership. Good to see you. And I was asking any future senators in the bunch? No? Not yet, not yet. Not yet. Yeah, down the road. Okay.
- 1:18:07 St. John, again, for dogs, you know, when I hear the fancy names, canines, I grew up with a little mutt. Whatever we ate, he ate. But that dog defended us to the end. So I'm an animal lover, period. But again, one issue I've always had when it came to kennels, I support 100%, but I'm just saying, how do you mitigate the scent or the disposal of feces and urine and stuff at your kennel? How do you do that?
- 1:18:45 so definitely have to clean and and and be cleaning and wash the kennels down all that is taken to a wastewater treatment plant okay and and that's all treated and and processed underground quietly it's basically the same as the cruise bay municipal plant but the cover on it and then buried okay miss laplasmati welcome was that a part of the plans the wastewater treatment plant and everything yes senator for the variance that that you're recommending yes okay good good good so again thank you for that uh mr jason charles i'm here looking at the map that's a fine piece of property you got it beautiful beautiful when you look out at that it does that's that's that's the virgin islands right there you know so i i'm happy to see that um you mentioned having the the catchment on the property the reservoir portion of the catchment so i will i'll first begin and allow um or our staff to help us with that but the catchment was designed and built in i think in the 1940s or earlier than that right um to be able to help with the water surplus they were built here they were being built on the western side of ellen next to uva and um of course when we moved away from from the catchment systems you know the property was just left that way and it uh deteriorated to the point where it's it is what it is now um and so our goal is to remove all the the old debris that's there to make to prepare the site so that we can be able with your approval to be able to build the um the the office building that would cement us in the u.s virgin islands one minute because i i propose to utilize all the abandoned catchments in the territory to be put them under
- 1:20:36 department of agriculture not on your private property but i'm just saying so the uses of having a catchment is a great thing now the catchment comes with a reservoir that was basically a concrete structure that was used to capture water what is um the foundation of your facility that you're looking at at some point there's the reservoir attached to it 30 seconds is the earth for that type of structure that you're looking to build miss bobbit you could um dig down into the details of that thank you for your question um the if you remember one of the images of the maps there was a reddish uh structure on the other side of the roadway that was the old reservoir or cistern for the catchment and just to clear to clarify the catchment isn't in rubble it's it's in a state of rubble the pictures show the last of the concrete bricks so there's even if we were to preserve there's nothing not much left of that time again thank you again i i need support uh thank you for the time mr chair oh thank you very much senator the graph before we go to senator carillon mr charles is there any discussion in respect to alternative energy green energy that's going that can be deployed on this building?
- 1:21:59 Okay, so the building will be designed to be as efficient as possible. We're using, right now, initially we're using this model called a Banhu model, which allows for more efficiency and energy in terms of ultraviolet light coming into the building would allow us to reduce our energy costs for ACs and different of that nature. But we do not have, I have not seen plans yet that would allow us to put some solar on the building. But I'm sure they're definitely, we're definitely gonna have a backup generator as we need to have consistency with our power supply. But I think that is something that is, we will be open to having a discussion on that and let's see what it fits within the scope of the budget costs very well thank you um commissioner before we proceed is there any discussion with with um with new builders as they come on board uh for some level of alternative energy deployment um especially for businesses and buildings is there any discussion being had in respect to any part of the comprehensive land and water you spend that speaks to any type of green energy requirements good morning senator john pierre orio for the department of planning and natural resources um thus far we haven't we we are having an energy component as part of the comprehensive land and water use plan but

right now they're the energy office is actually running i believe what they call their net billing program as well so we moved away from net metering several years ago. There is a new updated plan, but again, the idea is to encourage more owners to be able to decrease the dependency on the grid, but while we also are wanting to be able to gain and put back into the grid because WAPA is a municipal system, so the

1:24:08 more people that come off, then the people that remain on have to absorb the cost for maintenance on the lines and everything like that. So it can't be everybody breaks away from there. There has to be a way that, A, we look at solar from a, or alternative energies from a municipal standpoint, which is, you know, WAPA supplying it, or how others provide that power to WAPA so that it lessens the cost overall for everybody, because not everyone is going to be able to maintain. But the more efficiency that's built into the systems, particularly even at their building scale, whether that's using natural light, we have a program in DPNR called LID, which is Low Impact Development, and it speaks to all the things you can do on your personal parcel to be able to maximize the efficiency and things that you get out of the territory here as well. Very well. I'm sure we'll have some further discussion about that because, you know, I want to see a vision where we are actually, I guess, with these energy development and those individuals that's coming off the grid is that at least they'll put back something into the grid and will help to drive down the operating costs as we continue to see, you know, every time we make one step forward, two step backwards in respect to cost. So I think that I'd like to see where they're actually supporting and assisting the operation of it so it could drive down the need for WAPA to be able to be expending so much fuel and those different things. That's a wider discussion that we'll have.

1:25:40 Senator Carrion, you're recognized for your four minutes at this time. Please recognize the mic of Senator Carrion. Thank you. Good. Good morning. Good morning, Mr. Chair. Good morning to my colleagues and the viewing and listening audience and the testifiers that we have here present. In regards to SJ number three, the rezoning for ACC, the Animal Care Center, we know we have a great need, and you guys play an integral role and health issue also because if we have stray animals constantly on the streets it create a health issue within the committee and so forth how many animals do you guys service on a yearly basis i'll defer to acc staff on actual numbers okay Yeah, you just want to have an idea of the type of operation that you have. Can you hold my time as a chair? Yeah, pull the mic a little closer to you, please. I'll give you a name.

1:27:12 My name is Ryan Moore. I'm the Shelter Director for the Animal Care Center of St. John. Good morning, everybody. So to your question, we usually take on anywhere from 200 to 300 animals a year on the island of St. John. Some of those animals do include feral cats that we spay and neuter. And currently at your current facility, how many can you hold? We only have 11 kennels at the ACC, and I currently have seven dogs, so we're almost full. Okay.

1:27:43 seven okay um and in comparison to the new facility what uh what you'll be able to hold well like michael mentioned um i i think 20 kennels maybe i think is what we're looking for and what what does this what would this signify or mean to your organization uh it would mean a great deal we currently sit on government land and we've had a great relationship but being a non-profit organization that's a huge chunk of money that's going out our door back to the government that we could use to help facilitate the animals on st. John and currently we are located between a school and a library so got you miss Laplace other than the concerns brought by those that had some opposition and most of it spoke about the noise pollution concerns and I saw that in your recommendations you requested that noise survey and noise proof of the building and so forth be done any other main concerns that you might have one minute 30 seconds no senator the other concerns would be addressed in the permitting process it does have to go through the CZM stringent requirements okay and and you also of course I think you stated he would have to have various permits even though this is granted if it is granted and what are so much some of those permits that you would have to go through so it would have to go through the coastal zone management process to get a CZM permit it have to also get flood permit and building permits very well. In regards to Alpine Group, Ms. Laplace, can you share with us why this variance is necessary?

1:29:38 Well, the applicant requested the use variance because the current zoning, R3, doesn't allow the office as a matter of right. So they could have had an office if they had more units, the apartment units, but they do not want that much. So being that the area is mixed-use already there's already commercial business residential use their office would not be conflicting with the surrounding area it's just that it wouldn't be allowed as a matter of right got you so how many apartments would they need to be able to be in good standing what our code requires now based on the zoning that they have five plus five apartments minimum very well i don't really have any further questions thank you very much uh mr chair oh thank you very much senator carillon next the chair recognizes senator bolquez junior you're recognized for your four minutes at this time senator lodge bolquez thank you mr chair and good morning colleagues good morning listening and viewing audience i'm going to start off with uh three five dash zero zero five two mr mylene i hope i said that right mil mil yeah okay thanks thank you uh i'm seeing a plethora of commentary here on this report and um one that i found very interesting well maybe that's not the right word but saint john is not the best place to raise dogs i suppose we can

only raise dogs on other islands I'm not sure why that's even there. Mr. Mike, I'll say Michael, is that fine?

- 1:31:21 Let's go with that. How long have you been pursuing this project? Formally for three years on this particular property, I think it is. Okay, and what's your water capacity there? Because I'm assuming you have to desanitize, wash, clean. Yeah, so I can't remember the number of gallons that we have in the proposed project, but it's substantial okay because on St John we do not have many water line extensions like St Thomas and St Croix I want to put that on the record uh we need to extend our water line extensions on the island of St John and um of course a business like yourself would need a lot of water in order to treat and clean and desanitize so go ahead so there's the catchment from the roof but there's also well water on the property okay very well and your waste management efforts? So everything goes into wastewater treatment plant aerobic little system uses microbes to break down everything that goes down the drain and what's produced at the back end is gray water that's used for irrigation. What about berry waste? You do berry waste? Berry waste? Stool. All goes in. All goes in. it's it's um cruise bay a water treatment plant downtown across from Starfish take that put a lid on it and put it underground that's the same process okay got it okay and will you still run both facilities it's been talked about but name on the record Sir Ryan Moore animal care center St John shelter director okay uh we've discussed it but um we haven't gone in depth about the discussion again it is government land and we do have a lease with property and procurement which I believe runs out in 2026 but we do have a clause in the lease to extend if we need to very well and you'll have a walking trail on this facility I'm assuming that is correct okay thank you and I want to move over to alpine really quickly before my time runs out and good morning to everyone at alpine good morning a quick question on your cistern what's the gallons of capacity on the cistern that you'll be constructing for this building all right I'll allow miss
- 1:33:35 probably to go ahead and tell you what the capacity is I'm sorry of the system that they will yeah I'm assuming there's no water line up there as well there is no water line up there I actually do not have those details okay no details on that okay I'll have to provide it to you later thank you sir uh elevation what's the elevation on the property I only asked that question because there was a commentary concerning drainage and I'm trying to figure out how you would mitigate those um draining issues if there are any sure at that elevation it's over 800 feet above sea level and the drainage will be mitigated by uh landscaping actually okay okay so if I could jump in here real quickly so what we're trying to do is we're going to take we're going to put in a system that allows that whatever water runs down put it in a great water system to then to facilitate the landscaping so So it's gonna be reusing water over and over just to make sure we don't have that impact.
- 1:34:32 There will be a wastewater treatment facility also. Okay, excellent, excellent. And we're going from low density to medium density. I have no quarrels with any of these bills, 35-0052 and 0053. I'm looking forward to voting at the appropriate time. Thank you, Mr. Chair, for the time. Thank you. Thank you very much, Senator Bulquez, Jr., point of inquiry, Senator Johnson. Inquiries to Alpine, with your property that you're going to now build and develop, what would that have to do with your EDA benefits or your taxes?
- 1:35:08 How would that EDC benefits? Actually, you know, I've worked in the EDC before this in a different life. I worked in the EDC as a regulator. And we always, during that period of time, we always want companies to be able to have an actual footprint here and have an office here and set up an organization. What that means is that they're going to employ more individuals, it's going to be more indirect impact to the overall growth of the economy. So as it relates to our benefit, this is actually a good thing because we're showing substantial commitment to the Virgin Islands. So it's not going to have any impact on our application or on our benefits. Thank you very much. Thank you very much, Mr. Chairman.
- 1:35:53 Thank you. Thank you very much, Senator Johnson. Point of inquiry, Senator James. Maurice James, that is. Thank you, Mr. Chair. Would you now, you would now have to pay property taxes? That's my question. And it's a very good question. Would you have to pay property taxes? It's a very good question. And the reason why it's a good question is because the EDA has different categories. And so we stand as a designated service category. what used to be called category 2a is now category 4 so it's a part of our special conditions if we would be if we would be required to pay property taxes on sub subjected property so your question is at this time until our property is built until our property is until we it's completed and it is it is ours and it meets the regulation we are not going to be paying any any substantial taxes on it because that's a part of our benefits. Okay, thank you. Any property taxes. Thank you. Okay. Thank you very much, Senator James. Next, the Chair will recognize Senator Potter. You're recognized for your four minutes.
- 1:37:07 Thank you very much, Mr. Chair. Good morning, colleagues, and good morning to testifiers who are before us today. You know, when you're number seven in the baton line up, most of the questions of consequence have been asked and answered, but I think I might be able to generate a couple. With these initiatives, the reasonableness of the rezoning really is what I consider, what I look at first. And I find the two rezoning requests to be very reasonable. I had an opportunity last night I don't know, Mr. Milne, if you had an opportunity to watch 60 Minutes, there was a special on dogs. I think the evolution of dogs, how dogs evolved to become man's best friend or something like that. It was very interesting. But that's not my question. My question to you is, do you see any of the concerns expressed by the opposers to this rezoning?

Do you find any of them to be reasonable?

- 1:38:22 Everybody's thoughts are reasonable. We're trying to balance all those out. There's a significant need in the island. We're trying to meet that need. And there will always be some concerns by people that are impacted. Our job is to mitigate that as much as possible and come up with a real response. And that's our goal. Have you factored in the cost of accommodating the concerns, which appears to me to be the noise, potential noise, the barking dogs, villas in the area, residents in the area? and there is a level of skepticism that the remediations that you're going to implement may be superficial, may not when all is said and done, this rezoning is passed, the dogs are barking, and you just have some superficial soundproofing that you're implementing. Can you talk to me a little bit about that, why they should not be concerned?
- 1:39:26 And the ease issues first came up in the last session when we were proposing the project. I started really getting into the research on the soundproofing, and there are a number of consultants that do nothing but sound abatement for kennels. And it was actually great to see that this was an opportunity out there. I haven't talked fees with them yet, but we want to work with DPNR and meet the requirements and meet the recommendations for every project, and this is just like that. we're gonna do what's necessary and if that's on the list then we'll figure out how to get it done. One minute 30 seconds. Ms. Laplace you mentioned the requirement of sound survey in order for the variance to be approved it would come with the condition that a sound survey is done. Can you walk me through what a sound survey would entail? Well I'm not an expert in the sound survey but the consultants would come to the area and I would assume put recording devices to hear where the noise is going where it's generated from where it's going and then they'll design a kennel that would lessen that noise you know for the areas that are getting the noise okay okay I mean sir Charles How's the, with regards to the timeline for constructing and completing this project, what sort of timeline are you looking at?
- 1:40:58 Well, as soon as we get through this process, I think we have to do building permits. Am I correct, Commissioner? Once we get our building permits, we're ready to go. The funding is there to start the project. All we need now is to, is the okay by this step, and we'll move forward. Maybe like a two-year time frame once? I would say roughly about 12 to 15 months is what we're looking at. Yeah, we're ready to go. We're excited about this project. Time. Excellent. One final question, if I may. Commissioner, I know you're doing this massive land and water use plan initiative. I was up there at your offices sometime last week, and the general public is definitely engaged and involved. how would once a comprehensive land and water use plan has been implemented what impact will it have on sessions like like this is there room for appeals for example if you know an applicant isn't satisfied with whatever the existing land and water use plan calls for is there a rule for this body will there be a continued rule for this body to participate in the appeal process and all of that?
- 1:42:18 So thank you for the question, Senator. One of the main questions with the comprehensive plan is how rigid do we want it to be? Me personally, I think rigidity has its places. But in the towns in the lower areas, mixed-use development is probably the best way to go. We are here right now because the R3 zoning for Mr. Charles and Alpine is so rigid that I can't build two or ten office spaces unless I build five or six units minimum, but I could build the Ritz-Carlton in the same spot that he's in right now, right?
- 1:43:05 So the process to get through where you are is going to now determine on how rigid do we make the final piece of things. I expect that the community will want to see more rigidity in the residential low-density areas as opposed to in the town's areas where you would have more discussion on mixed-use development and such. maybe there would be more parameters that are spoken of up front in order for people to meet those needs but we will never get rid of the opportunity for an entity to appeal for an alternate use because I don't think there's any way that we could say right now in 2023 we can factor all of the things that are taking place let's say in 2053 and so you have to be able to leave a group whether it's this body or a planning board like it used to be the ability to hear an applicant to review the existing condition and see whether or not the site that is being recommended for a variance is appropriate I think that that's the key thing with all of these things is whether or not the site that you are looking at if it is appropriate for the use that is being requested thank you Commissioner thank you very much for the flexibility mr. chair thank you very much I think that was a very important point to make and you know be careful we ask for a we want a comprehensive land and water use plan and it comes it comes with some requirements you know I think that is critical that we understand that it changes the face and really kind of just earmark and set out you know exactly where certain things will be to occur and happen and of course there should be some some level of appeal that's built into the process you know but again that should be minimal because the real issue is that the committee have already determined or determined by then you know where they want what you know so we got to be very careful what we're saying that I'm hoping that with this whole discussion that in fact we
- 1:45:16 could see a city planner that also will be tied into this matter so that we could really start to you know hold some level of accountability even for capital projects and those type of things that the government is involved in so that we could make

a determination where do we go from here. Are you supportive of a city planner or you find yourself as being a city planner? I am supportive of adding as many planning staff as possible into my department center. I think that Leah and Jewel do an excellent job handling the needs of the community but There are things right now, just even the tools, just to be able to use GIS to demonstrate to the public exactly what your build-out scenario is. And those are special skills. You know, like I tinker with GIS, but I'm certainly not a GIS professional. Those guys can do things and demonstrate to the community what things will look like given the certain scenarios. scenarios it's all about modeling and being able to help people and be able to have impacts i mean obviously you start here but then when you look at runoff and all these type of things you want to make make sure that we are determined exactly what happens there uh senator blighton you recognize your point of information you recognize thank you thank you so much mr chair um mr charles um i know you told the last speaker in respect to your financing it's all there what the price that for the development for such a development yeah um great question uh we're looking roughly right now at um about three million however you know with the inflation inspection we expect the cost to raise a bit more but at this point we're looking at about three million dollars is what is the value of this project would be okay very well and i'm out quickly about how much

1:47:10 construction job is speaking of also in such a project that's a that's a good question i don't have the answer to that right away but i would i would assume if we want to get it done in 12 to 15 months it's going to require us to have a a number roughly don't don't please don't hold me to it but a member of about 30 30 uh people to be out there getting it the work done very well thank you so much thank you mr very well thank you time is of the essence because obviously it would every day costs go up so that that three three million could go to five if we don't do it within a time uh reasonable time frame yeah astronomical senator maurice is james you're recognized for your four minutes good good morning virgin islands good morning everyone here and my colleagues and and of course the staff of the legislature. I actually was going to ask that same question to the commissioner.

1:48:12 So I said, my colleague said by the time it gets to him, the questions have been exhausted. So now I'm right behind him and when he asked the question I wanted to. But anyway, I wanted to say to the St. John, the Animal Care Center, ACC, that I know how to solve your problem with noise because I am a cat woman. So if it was only cats, you would not have that noise. That's the only way to solve it, right? But I did note throughout the documents that we received that there were a number of people who said that concrete would not solve the noise problem.

1:49:06 So do you agree with that? And how do you plan to buffer the noise in that area? So concrete is very reflective for acoustics. So if you have just concrete walls, it'll bounce off and reverberate, and that won't solve the problem. You need a combination of the hard wall, the dense wall, and that's where you're talking about concrete block filled with sand, but also softer materials that are on that wall. So sound-absorbing panels, and they make some specifically for kennels that absorb the sound versus reflect the sound. Okay, you're a non-profit, correct? The ACC is.

1:49:45 excuse me the ACC is I'm an architect I yeah I meant the yeah yeah the applicant yes okay and but you were leasing from the government in Cruz Bay so you raise funds or the applicant raised funds to purchase the property in Coral Bay is that what happened the money was left to us in an endowment specifically to buy land for a new shelter in the future great and so also now to construct the building and the expense of the the buffers is that going to be done through an endowment also we would have to raise the funds there are many many folks out there already who are committed in some manner whether it's construction money etc but yes we would have to raise the funds to build the facility okay I was I was wondering about that another thing that I noticed in the in the documents there were several people who pointed out that there were other commercial properties elsewhere but I mean the fact that you got the land through an endowment clearly that's where you would go so that answers my question but did you look at other properties at any time prior to this to see if it could accommodate what you wanted to do?

1:51:08 We did look at a property in Adrian, which is sort of the middle of the island, which obviously would have been great because it's halfway between Coral Bay and Cruise Bay. But after looking at the land, it was adjacent to the national park, and if we were to build, we would excavate and basically have to build a skyscraper. There was nowhere to go because of the national park land surrounding it. Yeah, I understand that. Thank you. What about the smell, the waste? How is that going to be addressed?

1:51:43 The smell is only a problem if you don't clean and don't wash out the kennels. So it just has to be done. Yeah. Okay. Thank you. And I will go to Mr. Charles. Good morning. Good morning. The only question I had was, do you anticipate expanding on this property? At this point, no. We don't, the property size is 2.55 acres. We could really fit our footprint, and it's about roughly 2,500 feet. You could fit it about four times on our property. At this point, we're not trying to build this huge conglomerate on that property. We wanna make sure we keep it looking natural, but a little bit of contemporary modern look on the hill. So we're not trying to build a conglomerate up there. Okay.

- 1:52:41 It doesn't fit in with the design. Right, the drawings are beautiful. Thank you. I wanted to say that. And Commissioner Oriel. 30 seconds. Okay, this is gonna be straight. You talk about rigidity and the plan. In order for the plan to be enforced, it would have to be adopted by this body, correct? Correct. Okay, that's all. Thank you. Thank you very much, Senator Maurice James. And Madam Clerk, if you could recognize the presence of Senator Javon James Sr., as well as Senator Donna Gregory. Good morning, Senators. Welcome. Thank you for joining us.
- 1:53:18 At this time, we'll go to Senator Javon James Sr. for his four minutes round. Thank you, Mr. Chair. Greetings to the people of the U.S. Virgin Islands. I don't think I would need all of my time. But I have a quick question regarding Alpine Groove USVI. That's for application number ZAT23-3. I realize here that it references a hotel, guest house, and apartment complex of five plus units or something like that. Okay, why we are here today is because the residential zoning requires that. So we're seeking a variance to that zoning that allow us to have a smaller footprint than what the requirements of the R3 zoning is. So we're proposing to build a two-story structure with a top structure that has a parking lot that allows for 13 parking spaces. The first floor, the top floor would have the office space, and the bottom floor would be two studio-like apartments that would allow us to have clients or partners from different firms that we conduct business with to allow to be able to stay there instead of staying in a traditional hotel. So we are not going to use those two apartments to do any Airbnbs or any commercial real estate from that.
- 1:54:44 Thank you for that clarification. It sounds like the ideal place to work. And I like zonings or rezonings where there are no oppositions, so I'm happy to know that your neighbors are in favor of this rezoning. As far as the one for the Animal Care Center of St. John, I don't know what it is, I thought that we did something like this in the 33rd or 34th, so it seemed like any time they wanted to do something like this on St. John, individuals do kick up. I am not a resident of St. John, I would lean on the Senator and Lodge for advice, but I'm And I'm just hoping and praying with the recommendations made by DPNR regarding noise. Obviously, my colleagues probably asked that question already, so I don't want to be redundant. But I just want to make sure that you have the financial resources to noise-proof the building and provide a noise survey. Is that the case?
- 1:55:46 That is the case. The reason it sounds familiar is because we were here at the 33rd doing the same project. And it was approved, but the text wasn't resolved before the end of the session. and so there was no opportunity to revise the text after the fact. And so we've come back to reapply and hopefully be approved again. Well, I hope we don't have to see you again for the same rezoning. But if we do see you again, it's for another opportunity on St. John. Mr. Chair, thank you for the time. When it's time to vote in session, I will vote in affirmative. Thank you. Thank you.
- 1:56:20 Thank you. Thank you very much. You know, noise is something that somewhat could be subjective at times. You know, I move the noise pollution legislation recently. It took years and years for us to really develop. And when you talk about dogs barking or canine barking, you always have the issue of what makes them bark in the first place. One thing that sets my canines crazy is sirens. When they hear sirens, they start to howl and go a little bit off. You know, so again, you know, we have to be able to endure that type of stuff, regardless of where they go you know they're subject to make make some some sound that could very well be offensive to some and and also um you know enjoyed by others next the chair will recognize senator freck gregory uh you're recognized for your four minutes thank you mr chair and good morning to the testifiers and good morning to my colleagues um so i've listened to the conversation and i i would like to ask the chair to the legal counsel may proceed you may proceed so of course this measure the bill that's before us the bill with the animal shelter that was passed in the 33rd legislature but the testimony that i'm hearing as i was coming here is that it was vetoed because there were elements of the zoning that were not included um do you have a copy of that bill because i was trying to find it but i'm unable to locate it please recognize the mic of the legal council
- 1:58:17 uh through the church senator fred gregory if you're referring to the vetoed bill correct yes i i don't have a copy here at the desk but i can get a copy for you okay so i think one of my colleagues said i have it i'd just like to get a copy please so i could really understand what happened okay so let me just ask dpnr then um so when i looked at the what happened last time there like 17 reasons for opposition um what's different today good good morning senator so um yes as you and please be succinct because my time is running yes so we are here because the three conditions that are listed at the end of the zoning report with respect to noise survey those are not included in bill number 33-0466 so there was an oversight because when it came down from you initially in the 33rd it was part of your recommendation so i guess that was an oversight on the senate's behalf so let me ask the um the uh the non-profit folks a quick question and that is so you have you come to an agreement with the the neighboring individuals because I know there's noise, concerns, I mean I didn't really necessarily see any concerns around smell but have you come to some conclusion with those folks? I believe so. We haven't talked to every individual but the groups that represented themselves and we've coordinated with them and we've tried to respond to each one of the questions that were raised. Okay so I'll do some more research on it because my time is running. So let me let me talk to the Alpine group. Let's talk about, because I've heard the discussion and basically

many of the questions are yes, right? So

- 2:00:11 let's talk about the economic value of this particular project to the Virgin Islands. What's the economic value? Okay, well good morning Senator. The economic value is that we're gonna infuse about three to five million dollars worth of cash um directly into the economy uh through construction um other economic value that we're going to have is that by having an office location that is centered downtown our employees will be indirectly spending um in the downtown area perfect which will enhance the um which will enhance the that the business in those areas thank you 30 seconds tell me about the construction period and the if there are any issues with the road conditions and as you as you I'm trying to pack it in as you move with the construction if this is to be is approved is there any concessions or consideration for addressing the road conditions in that area and of course your construction period all right great question senator the construction period between 12 to 15 months we will be impacting the road to get up to to do the construction uh but we will have teams there to help to mitigate the traffic flow um if there's any challenges so we know that construction destroys roads right so that's that's the question what is your commitment to ensuring that there's if there's any destruction to the roadway that you know the repairs if there is construction that is impacted by the heavy um equipment that we will bring in to that to um to to our site we we will make sure that we ensure that the road is repaired. And what's the projected cost for that building in total? Cost of the building? Between three to \$5 million.
- 2:01:57 The building itself is only three to \$5 million, the building that we just saw on the screen? We're expecting it to be around that, but knowing inflation, we anticipate there'll be more. I think your projection is on the low end, but I'm just asking because I know that what we're, just let me wrap up. I'm interested in is agro CC taxes or corporate taxes. How do we, how does the Virgin Islands, how does this district, how do our coffers benefit from this at the end of the day? Yes, the construction itself is where you'll get the majority of your tax revenues coming from that.
- 2:02:33 Okay, so we want to see more than 3.5 million. You said 200 wind speed? We said that the building will be designed to endure about 200 miles per hour wind speed. Okay, good, so we definitely want to see more than, we want to see a \$5 million project. Thank you for the time, Mr. Chair. Thank you very much, Senator Gregory. You're an EDC company, correct? Yes, we are. In spec, in DPNR, in regards, are you a part of our HOA, Mr. Charles? Is there HOA in your area?
- 2:03:10 Where we're constructing a new site? Yes. we don't have an HOA. You don't have an HOA? No. Commissioner, is there some monitoring in regards to heavy equipment going up these roads during construction? Yes, there is. There is, right? All right, thank you. And who's ultimately responsible for addressing that? Monitoring and requiring individuals? DPNR is ultimately responsible for that as part of the monitoring the building itself like what you'll see is conditions that will require the staging of the heavy equipment even the workers to be parking off-site not blocking onto the roads you have to include your mitigation so that if it rains that you're not seeing a long trail of dirt and debris that comes down because where they are located specifically it's it's actually not in a bad location with the switchback, and then you have the tram green space in there. So water can actually go towards there. What most of the residents who may be complaining about is the fact that that road is extremely steep, but way beyond that. And so there's usually some runoff issues that will take place. I know when some of the houses on the higher elevation were being constructed, there were some issues. Very well. Thank you. Thank you very much. Do you have a point of information? One second. A point of information, Senator Blighton.
- 2:04:44 Thank you. Thank you, Mr. Chair. Commissioner. In respect, on the same line of questioning, you said DPR and I are responsible for heavy equipment, trucker, et cetera, traversing our roadways. What's the process? Because I know back in the day when I used to work with my uncle you had to have tires or wood. Right now I'm seeing trucker in my neighborhood on a regular and I try to call DPR, especially on weekends, mashing up our road and the private road that we paid for. What does that look like? Who can we call in order to assure that it's been done the right way because they're actually tearing up the roads throughout the community? So who deals with that? Because a couple of times, I myself called a young man I know from DPNR, but most of the time he's not available. So who can we call, especially on weekends? Thank you, Mr. Chair. Let me clarify, Senator. When there is a construction project itself, like DPNR's responsibility is on that construction site. And so you will see conditions that mandate that the heavy equipment be on the site, parking for the construction workers be on the site. We don't want to create areas, particularly on one lane roads, where you're clogging the infrastructure and the right of ways where people have a hard time accessing. If somebody is actually now using or traversing on the public roadways using non-rubber-tired equipment, that now falls under Public Works for that because Public Works is the steward of all the transit system.
- 2:06:20 Thank you. Thank you very much, Senator Blyden. Next, the chair will recognize Senator Ray Fonseca for his four minutes. Yes. And a pleasant good afternoon to all the listening audience and colleagues. You know, Mr. Chair, I too would also join in recognizing with my colleagues Mr. Dylan Hodge and also the son of our Honorable Distinguished Senator Donna Fred for saving the life of an individual this past weekend. And, you know, those are what are good about

the Virgin Islands, you know, so congratulations. Mr. Michael, okay, the Animal Care Center, I understand that's the only animal care center on St. John, and you're currently in Cruise Bay, and you don't have any free space. Is that correct?

That's correct. Okay, so this property now, it has some free space, and they'll have areas for the dogs. animals, the cats to walk around and you know have a little bit of outdoor activities and where you're currently located that's not there's no free space for that right? The walking of the dogs is around downtown area along the sidewalks. Okay question, so I noticed it's located on a flood plain and I noticed you've did some mitigation where you're going to construct that two-story building on the top now let me ask you because I know sometimes when you're looking for financing if the property is located in a flood plain there's issues with obtaining financing so is the financing in place for the building not

2:08:10 yet the the entire property is in the flood zone but we've the the portion of the property where the proposed building is is above the the required height above sea level so that it's in the best place for that mitigation put up we don't have to do stilts or something like that too yeah you know so um you know you know feral cats dogs and you know taking care for animals you know I think that's that's very important I might my dog one of my dogs Daffy just passed away um he was 14 years so you know I'm a real lover it broke my heart especially my young son they're about the same age you know yeah family members so at the appropriate time i will be supporting bill number 35-0052 thank you very much yes um alpine uh securities um you know jason you know actually you know i i have to congratulate you you know you remind me i was over in st croix this past friday we were entertaining entertaining a proposal from a Mr. Machu and his wife, you know. It's so good when you see Virgin Islanders moving up. You know, this particular gentleman, Mr. Machu, wanted to bring blocks to the Virgin Islands. And you know how important building materials are. He's actually going to produce blocks. You know, I think that's so wonderful. We can have our own blocks produced. We don't have to rely on a boat to bring them in. And also, he's going to give us a better price. You know, that's the best of the board worlds. So now you're moving up because this hill here, you're going up. This is where, you know, the owner for all of the Kentucky Fried Chicken, all the pizza hut, that's going to be your neighbor going up that hill. Let me ask you a particular question now. So it's going to be a two-story building, about 13 parking spaces.

2:10:05 Okay, so, you know, as a little boy growing up, I know that there's deers in that area, and we were discussing, you know, the heavy equipment, et cetera, et cetera. So Commissioner Oriel, I want to ask you to comment. When there's deers, et cetera, in an area where you're doing development, are there any special provisions where you do anything special for the deers? Not for deers, no. No, Senator. Okay, not for deers. Okay.

2:10:35 Well, you know, this is great. Alpine Securities is an investment firm. And of course, I keep on the hawk in this that it's so good for the Virgin Islands to be championing the investment and the banking in this community. Because, you know, Jason, I know you're like me, you know, the time comes when the good Lord calls us. We're going to be buried here. We're not going anyplace. And it's always so nice to see locals moving up on the big hill, you know. So congratulations on that. You know, it makes me proud to be a Virgin Islander when you can look out and see Virgin Islanders coming up. Okay, so let me ask you now. So it's going to be about \$3 to \$5 million, and you say the financing is in place? That's correct. Okay, so basically, how many employees are going to be impacted? Well, I would say this is going to be an average of about 10 employees daily will be there to that site.

2:11:38 So that's what we expect. Okay, that's very great. Time. Thank you, Mr. Chair. Thank you very much, Senator Fonseca. and my condolences on the past, Senator Duffy. When is the funeral? Oh, my gosh. Sorry to hear that. My condolences. I would have attended. Yes. I'm so sad. Senator Capehart, are you recognized for your four minutes?

2:12:11 Thank you, Mr. Chair. Good morning, colleagues. Good morning, testifiers. Good morning people of the Virgin Islands. First I'll start with Alpine. Congratulations in supporting the permanent home. I could understand not having a permanent home looks like a good project but my only concern is there was mention of a catchment is that catchment a historical or cultural resource miss Bobbitt thank you for your question I was actually hoping someone would ask that so as part of also in addition to the environmental site assessment which bio impact conducted to look at the conditions of the site Alpine also contracted Cocosol International to do an archaeological survey and to see look at the resource Cocosol recommends that the Virgin Island State Historic Preservation Office issue a finding of no objection to the development based on the condition of the catchment okay and there is a full report if you would like one provided yeah you can provide that through the chair thank you can you mention when construction start what kind of best management practices would you be putting on that site to minimize any stormwater sure I will take that I'll take that question as well even though the site will be outside the CZM tier 1 which has very rigid sedimentation and erosion control plans the site will still implement such plans about not about storing hazardous materials overnight, about siltation fences. They will need to have the staging area, as Commissioner Oriel mentioned before, approved by DP&R, so it will still undergo the same rigorous stormwater pollution prevention plan.

- 2:14:18 Okay, thank you. Mr. Charles, probably you would be able to answer this. How many locals would you be hiring for this project, and do you anticipate hiring anyone off-island? Are you talking about the construction phase or are you talking... Construction. Majority of the construction will be done from locally, we'll have, we've already hired local companies to do the engineering and architectural work for us. We plan to do as much of this work locally. There is a possibility we may seek outside help for the design of the value. It's a special kind of system that helps to make it a little bit more efficient. We may look to get a consultant to help us with that piece.
- 2:15:10 Okay. Thank you. Majority of 90% of it will be done locally. Okay. Well, moving on to bill number 35-0052, if anybody knows me, I'm an animal lover. All the stray dogs in my area love me because I carry all my old food from my fridge, drop down my hill and they know when I'm coming, food has arrived. So I am in support of this Animal Care Center for the people of St. John. But I'm very concerned about the animal waste. It was mentioned for infrastructure and aerobic treatment unit. So I will go to DPNR. Commissioner Oriel, thank you for attendance today is supporting your staff it said I want DPNR to probably give a synopsis the difference between a traditional septic system to an aerobic system which would be you know producing a higher amount of affluent so just if you could say is this a better system to put in for the amount of animal waste that would be generating on a daily basis?
- 2:16:31 Time. Thank you for your question, Senator. So yes, anytime you are doing a package treatment plant and you are mechanically getting to the effluent that is close as possible to ambient conditions, that's what you would like to see. And so the installation of the package plant in order to treat the waste and then be able to reuse that water for whether it's irrigation, secondary uses. Some people even use it to reflush toilets in certain systems, depending on how it's designed. So traditional septic system takes the waste. there is some bacteria that's involved but traditionally here we do not actually do what we're supposed to do which is pump out your septic and so when that waste now rises to the top of your system and you sits on the top of your very thin soil layer and you get rain that now gets nutrients that make their way all the way into the coastal systems where you see algae and other bacteria that grow so treating the waste and then putting out a clearer cleaner effluent that can be reused is the preferred methodology for waste treatment system mr. chair if I may press just one backup question um so you're saying that you would recommend this system that's being proposed yeah okay thank you mr. chair thank you very much Senator Capehart the chair will recognize Senator Kenneth L. Gittins Majority Leader you're recognized for your four minutes
- 2:18:19 thank you mr. chair and good afternoon to all the zero zero five to St. John I I think the chair went there, but I wasn't clear on it. Would there be any spay and neuter services at the shelter? Yes, and then there's also a medical facility there as well.
- 2:18:50 Great. So being located between a school and the library, we could see some of the concerns of the citizens. Will there be any outdoor kennel? So the existing kennel is between a library and a school. The proposed is not. Say that again. The existing facility that's in Cruz Bay, that's the one that's adjacent to the library and the school. The proposed one is not adjacent to a school or library.
- 2:19:20 It's out in the country, pretty much. Okay. So you'll be able to have outdoor kennels there? So the kennels themselves are all indoor. but you have room for outdoor fresh air yes okay yeah it's a half acre property and we're only taking a small portion of the majority of the property we left open the the one of the the benefits of this particular site it's very flat for island you know comparison so it's it's walkable good uh welcome commissioner how are you doing well thank you good you look like you had a weekend at the battle of the agencies i hope you want listen i don't expect for you as a commissioner to be here for every zoning matter uh hence my piece of legislation to create a commission and or the office of a city planner so i was happy to hear your response there where this office will be responsible for the planning strategies of our downtown areas and neighborhoods so i'm looking forward to having a conversation with you on this now this measure in particular uh on saint john was vetoed back in january 2021 That tells me that in the 33rd, we did that at the end.
- 2:20:56 The governor's veto message suggested that it be amended to address the concerns of the community. Since this veto, have anyone from DPNR visited this particular property? No, Senator, but to clarify, the veto was because the conditions the department recommended were not included, and those conditions factored in the concerns of the neighbors.
- 2:21:26 Okay, but the inspections, I'm concerned about the physical inspections of these areas as requesting zoning. Is it the practice of the department to make physical inspections at every site? At most sites. This particular one was during the pandemic, so we were hindered at that time. So the pandemic gone a long time ago. Since then to now, has there been a physical inspection of that property?
- 2:22:01 No, Senator. and can you clarify one thing here for me on the back of these petition reports where we see this this appears to be a electronic signature but what's what's the what are these next to the printed name of the assistant commissioner is

that time those initials or that's a symbol They're initials, Senator.

- 2 : 22 : 31 What initials are they? They're Ms. Laplace's initials. So what is it? Lea Laplace. Huh? Lea Laplace. LL. LL. Okay. Thank you. Thank you. Thank you, Mr. Chair. Thank you very much, Senator Gittins. Next we'll hear from Senator Carla Joseph, Madam Secretary. You're recognized for your four minutes. Thank you kindly, Mr. Chairman. pleasant good day to everyone my colleagues have hit on most of the questions that I really wanted to ask so I don't have much questions to ask directly of the applicants but I do have one question I wanted to ask relative to the animal care center that is being proposed to be built I understand they have all of those various conditions, but one of my colleagues did touch on a matter regarding the odor. My cousin owns a kennel in Illinois, and so he lives in a residential area as well, and his kennels are allowed based on their zoning outdoors and also indoors, But the major issue that he has faced over the years is the odor.
- 2 : 24 : 02 How do you propose to do that? I wasn't too clear, and I wanted to know if DPNR would look at also the odor issue, especially in the area, not only the noise, but also the odor. How do you propose to reduce the odor in that area? I think the issue is maintaining the kennels and making sure they're cleaned out and making sure the dogs are walked and cleaning up after them. Using the aerobic system as a way of disposing of it. When you, the effluent that comes out of the end of the wastewater treatment plant is odorless. It's clear water.
- 2 : 24 : 46 What type of system do you plan to put in? because it's not tapping into the public wastewater system is it no so what type of wastewater treatment plant do you plan to the generic the generic name is aerobic treatment unit atu we install them for every one of our projects that are not connected to the community okay and what type of treatment would that be is secondary or tertiary so secondary would be you know your usual tertiary is a higher level uh wherein the runoff or the the byproduct is actually almost to the point of being drinkable yeah so you can set up the system so you can run this back into your water supply but that it takes chlorine and a few other stages to go through that so what we usually use is subsurface irrigation lines and the the aerobic bacteria do most of the work But to denitrify the water, it's the anaerobic bacteria in the soil that do the work. So subsurface irrigation is the best solution.
- 2 : 25 : 53 Subsurface. We've installed thousands of these projects. And that's what's going to be proposed. I know it has another level for DPNR permitting process so that they can further scrutinize that. I want to now switch to the development that is being proposed in Estate Thomas. One minute. By Alpine. Alpine, I had an opportunity to visit your site. I didn't visit your site yet. I will be there. That's part of my due diligence. I visit all of the sites. To Ms. Laplace and to the Commissioner, does this applicant have already an earth change permit?
- 2 : 26 : 30 30 seconds. No, Senator. Okay, because I did go up on the site and it looked like it had already been bulldozed. Yes, when it was? Friday. it looked like there's a bulldozer movement up there there was a number of rock movement so mr mr president may i um my time was called oh okay i thought i heard sometime so i'm so sorry no it's called i'm so sorry um so i need to ask mr charles have you uh done some earth change on that site because it looks like there's been a earth change on the site and dpnr has just indicated that you don't have a earth change permit do they have a earth change permit so not not to my not to my knowledge um senator However, one of the things that the applicant did explain is that they had Coco Soleil go in and do their archaeological...
- 2 : 27 : 40 Just, I can't hear what the testifier is saying. I'm so sorry, there's a lot of noise. So one of the things that the applicant did explain is that they did have Coco Soleil do a phase one archaeological assessment, right? And so sometimes with those, you actually allow some hand clearing to be done because they have to sink. I am telling you that does not... But if you're saying there... That does not... One at a time, please. One at a time. I am telling you that it does not look like any hand clearing to me when boulders are being moved and the like on a site.
- 2 : 28 : 17 I know what a change looks like. And I know when properties have been bulldozed and what hand clearing looks like, sir. And so I want to ask the applicant, have you had a bulldozer or any machinery up on that site? Great question, Senator. Well, to my knowledge, we have not had any bulldozers or any of that heavy equipment on that site. We contend to follow the law in all its forms and fashions. I'm not sure. I know that you, I got a call late on Friday saying that you were looking for this site. But, you know, I'm not sure if you got to the right site. But what I would say...
- 2 : 29 : 08 Wait, wait, Mr. Chairman. uh your your site is not located right before the uh it's on your if you're heading up paradise point sir your site isn't located on the right side and it's undeveloped property is located there right yeah i know the site you know wanting everybody here know is that i am going to go out to the site anyhow uh you've answered my question i've placed dp and are an alert that you need to go out there and take a look at this site because it looked to me right that it was bulldozed it had a it wasn't hand cleared because when it's hand cleared you would still see some roots from the trees okay so that is something that we need to be very vigilant about thank you kindly mr. chairman for the time and the leniency I deeply appreciate it thank Thank you. Thank you. Thank you very much, Senator. Joseph, Mr. Charles, you

wanted to add anything to that discussion?

2:30:12 Sure. I mean, I welcome for the senator or any senators, we could do what you call a little road trip, and we could all go out there to make sure that we had the exact same site. It is within Alpine's, you know, what we try to do is always to ensure that we take care, We are very careful about how we operate, so we're not going to create or expend any money on something that we're, you know, unless we get approval for it first. But I do welcome, if you want to do a site visit, we can go out there together and make sure that we are all at the same site. Thank you.

2:30:55 Thank you very much. I guess that rests with DPNR to just, I guess, take a look and see what's going on there. Senator Blighton, Vice President, you're recognized for your four minutes. Thank you so much, Mr. Chair. Good afternoon to my colleagues, listening, viewing audiences, staff, central staff. Good afternoon, testifiers, and thank you so much for your testimonies. Many of my questions have been answered, but I'm going to go a different route with my line of questioning in respect to both of these zoning requests. First, Bill No. 35-0052 on Cowabee, the Animal Care Center. I know that in DPNR's testimony, it spoke to the many individuals that were for and the many that were against.

2:31:50 And it stated in the testimony that most of the folks that were for do not live in Cowabee. those that were against lives in that community um but nonetheless what i appreciate with with um dpnr's recommendation for this uh rezoning request was that basically they stated they listed three um recommendation the noise survey shall be conducted prior to the building permit application submission to determine the area that may be impacted by the noise and the noise proof building which is the walls ceilings etc shall be designed and developed based on the results from the survey which makes sense okay and no outdoor canals allowed which were the main concerns of those residents which which is fine i appreciate that because last week friday in st St. Roy, we had a hearing with the black plant, and during that hearing, it was noted, and during my inspection, personally, it was noted that many of the mitigation issues that were cited were already done, and there were no type of recommendation or special conditions for those individuals, and I would like to see more parity from the department moving forward because it's only fair and it's only right, and that's my only concern, and that's That's my only comment, based on my observation for that zoning in the St. Croix District when it comes to special conditions for those individuals and or recommendation with certain once certain things have been done to deal with the mitigation issues that was stated at that time. But nonetheless, I will stand in support of both of these zoning requests when it comes

2:33:44 to Alpine Securities, and Mr. Charles, I know you guys have been in the community in terms of giving back. I do appreciate that. And this is a beautiful building that you're building. I mean, it makes sense to have your own home. I must say, though, that the investment that you are making is good to show you plan to be here for a long time. You know what I'm and I respect that and I look forward to you guys doing what you have been doing over the years in terms of giving back in many ways shape and form and that's what it's all about. We appreciate that and I want to thank you so much Mr. Chair for the time I really don't have any questions for anyone. I will support both of these requests. Thank you. Thank you very much.

2:34:33 Thank you. Senator Blyden for your comments there. At this time colleagues, is there anyone with any burning questions before i allow for the applicant and dp andr to wrap up on this this um this black one okay senator bolquez you have a alibi so you'll go in one minute and then we'll come to you it's not okay for it thank you mr chair my question is really to the ACC concerning how you plan to deal with cadavers of the animals once they become deceased? What is the process? Do you have an incinerator on site, or how do you handle that?

2:35:16 Currently at our facility, we do not have anything like that. We usually bring our animal, canines, cats, and critters, the vet deals with all our medical stuff. So if any animals have to be euthanized or we're taking deceased animals off the road, we bring them up there and usually they are disposed at the dump. So they're disposed at the dump? Correct, yes. They are buried. I don't like to hear that personally. We need to work on on ways that we can try to find more suitable way of I hate to use the word dispose but for the lack of a better word time of the animals once they become deceased so hopefully you'll be able to get an incinerator or someone on St. John would look into that so thank you for the time Mr. Chair thank you very much Senator Bulquez Jr. Senator k part you recognize for one minute thank you mr chair um i just wanted to say something um based on our last committee of the whole meeting um i realized and it really just came to me that you know dpnr is the cornerstone department that all economic development projects come through and i would just say like divisions like environmental protection building permits ccm czzp these divisions are so important 30 seconds when these permits and zoning come to us that these divisions are staffed to effectively do their jobs so the process would be easy for the developers, citizens, so I would just say, Mr. Auriel, that you've had a mass exodus of individuals that left a very vital division at DPNR, and I plead and I beg you that you

- 2:37:25 please immediately start filling these positions because we would have problems with economic development projects. Thank you, Mr. Chair. Thank you very much, Senator Capehart. Commissioner Aurea, do you have any response to that? It is true. We have had employees that have left. I don't think we're any different from any other government department. And our goal is to staff up you know we have posted many vacancies unfortunately a lot of them go unfilled let's face it not a lot of Virgin Islanders getting science degrees and that's primarily what DPNR is it's a science background educationally and unfortunately we don't have a lot of science degree majors we're doing a couple of things to try and at least being able to train up and getting people on board particularly for our inspector positions getting them certified whether it's for you know building inspection or for being a certified inspector in erosion and sediment control but we need a lot more Virgin Islanders to graduate in the sciences to fill the positions inside the DPNR.
- 2:38:54 Mr. Well, thank you. Thank you very much for that, Commissioner. That is a fact. We still, yeah, we have some issues in terms of staffing up and having available individuals to fill those vacancies. Senator Gittins, you're recognized for your one-minute alibi. Senator Gittins, thank you, Mr. Chair. I just wanted to thank the good Vice President for bringing up the parity. Parity, that's the last part I wanted to talk about between the two districts that I've been seeing. So thank you for that.
- 2:39:29 And Mr. Charles, I didn't get to ask you anything, but I wanted to say thank you, Alpine, that is, for seemingly being a good corporate citizen. And I see you guys have the, what do you call it, the Ispana, the King of the Wings, and St. Thomas, a good big event. And St. Croix, we like Lechong over there. So see if you could help us out with the Lechong Festival once you get good up and running. But continue the good work, and at the appropriate time, I'll support both measures. Thank you. Thank you, Mr. Chair. Thank you. Thank you very much.
- 2:40:12 Thank you Mr. Chair, just to the Animal Cache Center, I know earlier the young man, do you want your name again sir? Ryan Moore. Mr. Moore, you spoke to the investment you're making and you got an endowment but you're saying that you can save a lot of revenues because you rent government property. How much are you paying for the property right now?
- 2:40:41 annually rent for rent it's about five hundred dollars a month to property procurement 30 seconds that's not a huge amount of money it's not but when medical costs are six thousand dollars a month it is but in terms of the government and I think that's reasonable in term of renting a spot to do what you're doing yeah so I don't want to add that question thank you so much mr. chair for the time thank you thank you very much at this time I will go to the applicants and the government officials for a wrap-up. Mr. Milne, we'll allow you a 30-second wrap-up. Thank you very much for this opportunity. It's a wonderful cause and I'm glad that so many people are pet lovers here in the group and if anyone has any questions, please give us a call or contact us in any way. Glad to help. Thank you very much for your time. Thank you. Thank you very much. Mr. Charles, 30 seconds. Well, thank you for the opportunity to all the senators. I thought you guys had really, really good questions. It was pretty in-depth. J.P. touched on a, Commissioner Orio touched on a point I think is so important, what he talked about, not having virgin elders in science and mathematics degrees. Alpine Securities has promoted two programs. One specifically, which would we do at what is it called a prep SAT prep every year where we prep students in the st. Thomas st. John district and help them be able to raise their SAT scores so that's important to us as we build this new office building we appreciate your input it will be a value add to the downtown area so I'm glad and I hope that you all continue to support us in this initiative and if you would like to do a tour of the actual site so we can see it.
- 2:42:31 I'll be really appreciative of it. Thank you. Thank you very much. Commissioner, Commissioner Orio. Thank you, Mr. President. So again, as we come down here, whether it is for the two applications up here before you or any time where we're requesting either a rezoning or a map or a variance request again the core of this is always site appropriateness you know I've heard a lot of discussions today about certain special conditions and everything like that and those are things that come after the determination on sites appropriateness is made time and I think it's very important to keep that in mind every single time one of these applications comes down to this body it boils down to site appropriateness very well thank you again I want to thank you in this block block on number one certainly to the ACC of St. John good luck on your project and I'm rooting for you that this time we can really get it done and move forward with that I also want to thank Alpine, King of the Wings, Junior Achievement and your many contribution you know to the Virgin Islands community. The committee of the whole of block one stands at recess at this time so we could change our testifiers and go right into block two. Thank you for your time.
- 2:44:19 Thank you. Let's get started. Thank you.
- 2:45:49 Let's get started. Thank you.

- 2:46:49 Thank you. Thank you. Thank you.
- 2:48:19 We'll be right back. Thank you. Let's get started. [3 such phrases repeated 18 times · standby audio before the proceeding, transcribed by the recogniser as speech]
- 2:57:19 Thank you. We're out of recess, and good afternoon to the viewing and listening audience. Today, we're in the Committee of the Whole, and we're about to go into block number two.
- 2:58:13 At this time, Madam Clerk, please call up the items in block number two. to bill number 35-0053 and acts granting a zoning use variance for parcel number 84 estate content number 7b south side quarter st thomas virgin islands from the r-3 residential medium density zoning designation to allow for office spaces invited testifiers the honorello john pierre l orio commissioner department of planning and natural resources leah laplace matthew territorial planner department of planning and natural resources roger minkoff authorized agent bill number 35.0024 and acts granting a zoning use variance for parcel number 5c estate anna's retreat number one new quarter saint thomas virgin ireland to allow for dwellings invited testifiers the honorable john pierre l orio commissioner department of planning and and Natural Resources, Leah Laplace-Matthew, Territorial Planner, Department of Planning and Natural Resources, Mark Grimes, Representative, 5C-AR Holdings, LLC, Vanetta C. Norman, Esquire, Representative, 5C-AR Holdings, LLC.
- 2:59:33 This concludes the reading of Block Two, Mr. Chair. Thank you very much, I'm Adam Clark. We'll just do a quick introduction and we'll start from you, Attorney Norman. good afternoon good afternoon my name is attorney vanetta norman and i represent 5c ar holdings llc good day good day mark grimes from owner of uh hold on let's let's try that again good day my name is mark grimes i'm representing uh 5c ar holdings llc i am the owner thank you Good afternoon, again, to 35th legislature, the people of the Virgin Islands. On behalf of the Department of Planning and Natural Resources and Commissioner Jean-Pierre Oriel, who had to step away for a bit, my name is Leah Laplace-Matthew with the Division of Comprehensive and Coastal Zone Planning, and on the same course side, we have our planning technician, Jewel Polimis.
- 3:00:28 Jewel, Mr. Minkoff. Good morning. My name is Roger B. Minkoff. I represent Irad Ruan, who is accompanying me today in proceeding with our application. Very well. Sir? Good afternoon. My name is Irad Ruan. Beautiful content. Thank you, Mr. Ruan. And a quick mic check in St. Thomas. Ms. Pulemis? Go ahead.
- 3:01:00 Good afternoon. Good afternoon. Very well. Who will be presenting on the behalf of DPNR at this time? At this time, the first report will be Ms. Polimus, and then I'll take the second report. Very well. Ms. Polimus, you are recognized for Bill number 35-0053. Report on petition to amend official zoning map number STZ-4, application number ZAT-23-2. petition of iron irad run and irad run requesting that a used variance be granted to the r3 residential medium density zoned parcel number 84 estate content number 7b south side quarter st thomas owner applicant iron irad ruan and irad ruan as pro warranty deed dated august 20th 2021 document number two zero two one zero zero five two eight seven limited power of attorney was granted to roger b minkoff acreage the property consists of 11 253 square feet and is described on pwd drawing number g9-2225-t73 current use a hurricane damage two-story residential building proposed use a mixed use development consisting of offices and dwelling units surrounding uses and zones to the north is a residence to the east is undeveloped land
- 3:02:49 and business use to the south and west is business use the surrounding area is zoned r3 r4 residential medium density b3 business scattered and c commercial infrastructure. Water needs will be supplied by the Oh, frozen. Yeah, we seem to be frozen at this time. I will take a one minute recess.
- 3:03:31 Thank you. Thank you.
- 3:04:31 Thank you. We'll be right back.
- 3:05:31 Thank you. We'll be right back. Let's get started. Thank you. Thank you. Let's get started.
- 3:08:31 Thank you. We'll be right back.
- 3:09:31 Let's go. Thank you. Let's get started. Thank you.
- 3:11:31 Thank you. We'll be right back. Thank you. We'll be right back. We'll be right back.
- 3:14:01 Thank you. Let's get started. We'll be right back. Thank you.
- 3:16:01 Thank you. Thank you. We'll be right back. We'll be right back. We'll be right back.
- 3:18:31 and we're out of recess again we're in the committee of the whole hearing and before we went in that short recess we had the testimony being read by miss polemism ma'am can you i'll ask you to start over please from the top Senate president yeah you can start from the top again please report on petition to amend official zoning map number STZ-4 application number ZAT-23 Petition of Aaron Iradruan and Iradruan requesting that a use variance be granted to the R3 residential

- medium density zone to parcel number 84 estate content number 7B Southside Quarter St. Thomas. Owner applicant Aaron Iradruan and Iradruan as pro warranty deed dated August 20th 2021 document number two zero two one zero zero five two eight seven limited power of attorney was granted to roger b minkoff acreage the property consists of eleven thousand two hundred fifty square feet and is described on PWD drawing number G9-2225-T73. Current use. A hurricane-damaged two-story residential building. Proposed use. A mixed-use development consisting of offices
- 3:20:40 and dwelling units. Surrounding uses and zones. To the north is a residence. To the east is undeveloped land and business use to the south and west is business use the surrounding area is zoned r3 r4 residential medium density b3 business scattered and c commercial infrastructure water needs will be supplied by the public water line wastewater will be handled by the public sewer line public response other than the applicant's Representative, no one else spoke in support of, questioned, commented, or expressed opposition to the petition at DPNR's public hearing held December 1st, 2022. During the department's public hearing, Mr. Roger Minkoff testified the intent is to renovate the existing building and have two office spaces on the bottom floor. The upper floor would be used for dwelling units available for rent to the public. Further evaluation of the building would be needed to determine a number of dwelling units but the proposal would be four units or less. The current R3 zoning allows for retail office and other non-residential uses however with conditions namely a hotel guest house and or apartment complex of five plus units would need to be on the site to allow the non-residential uses as accessory uses the area has a mix of zones and has developed with a mix of residential business and commercial uses in analyzing applicants requests the department considered the uses that could be developed under the zoning of the surrounding area and the mixed use pattern of development that has occurred there were no concerns expressed by the public on the proposal and the current existence of mixed uses and zones
- 3:22:40 in the greater surrounding area would not be negatively impacted by office use on the site. Recommendation. The Department of Planning and Natural Resources recommends that a use variance be granted to the R3 Residential Medium Density Zoned Parcel No. 84 Estate Content No. 7B Southside Quarter St. Thomas to allow for offices. Signed by Retired Assistant Commissioner Keith Richards, dated January 17th, 2023. This concludes the reading of the report. Thank you very much, Ms. Pulemes. At this time we'll go to Mr. Roger Biminkoff for his testimony.
- 3:23:26 Good morning, Ms. President of the 35th Legislature, Novelli Francis Jr. Good morning, Senators, staff, Leo Laplace, Matthew, Territorial Planner, and the general public. My name is Roger B. Minkoff. I'm the authorized representative and attorney, in fact, for our own IRAG Ruin and IRAG Ruin, the owners of Aller Exterminating of St. Thomas, Inc., Inc., a long-time small business serving the United States Virgin Islands, and next to me is Irad Ruin, who accompanied me here today.
- 3:24:09 We're here today to request approval for an act granting a zoning use variance for parcel number 84, state content, number 7B, Southside Quarter, St. Thomas, Virgin Islands, from the r3 residential medium density zoning designation to allow for offices personally and as expressed by both the executive and legislative branches of the usvi government i am in support and anticipate that you are also going to be in support of assisting our community in fulfilling the need to support and encourage small businesses in providing additional office space effectively finding a permanent home of their own and additional housing units this request for a variance addresses those needs by passing this request and act granting a zoning use variance for parcel number 84 content number 7b south side quarter st thomas virgin islands from r3 residential medium density zoning designation to allow for offices i'd like to thank you for your consideration and your yes vote on bill number 35-0053 i'm open to any questions and look forward to passage of the bill thank you thank you very Thank you very much. Mr. Minkoff, is Mr. Ruin going to say anything? No? Okay. Media, do you have any photos of this request? Mr. Minkoff or Ms. Pulemes or Laplace Matthews, anyone of you could speak to what we're seeing here in the photos?
- 3:26:39 I'm sorry, Ms. Person, I don't hear the question. I'm asking whether or not you could speak to the photos that's being displayed here. Yes, the yellow border zoning designation. Oh. Okay, thank you. Working well? This way. How is the control room? This is the general area, and the yellow bordered section is parcel 84.
- 3:27:38 Contant. There's a road to the south of the property, the residential property to the north with the red roof is the footprint of the red roof building is quite a distance from the other location to the right is funeral home across the street the main area is bellows and West Indies liquor and to the west is tint King, which is a company that tints car windows, and just passed that as a bar and residential, I believe, mixed-use area. This is the existing building on the property. It is a hurricane-damaged building, damaged by Irma Maria.
- 3:28:50 The area was overgrown and the new owners closed off the openings so that hopefully no further damage would happen and the plan is to repair that building as soon as we get the variance passed. Very well. That's it. Thank you.

- 3:29:30 Thank you for that. Next we'll proceed to the other bill on today's agenda, which is Bill 35.0024. Good afternoon again. Report on petition to amend officials on a map number STZ-7. Application number ZAT-22-17. Petition of 5C-AR Holdings, LLC, requesting that a use variance be granted to the C commercial zone, parcel number 5C, Estate Annas Retreat, number 1, New Quarter, St. Thomas. Project profile. Owner applicant, 5C-AR Holdings, LLC, as per warranty deed dated January 11, 2022.
- 3:30:19 Document number 2022-000370. Acreage. The property consists of 11,255 square feet as shown on drawing number g9-787-t64 current use a two-story building undergoing renovations and last in use residentially about 2012. the previous residential use was granted non-conforming status because it existed prior to when the property was rezoned to see commercial in 1974 by act number 3562 proposed use the applicant is adding a third floor section 234f of the zoning law non-conforming uses states no building occupied by a non-conforming use shall be extended or enlarged in any manner except as may be required by law or regulation or changed to a conforming use the third floor addition was permitted because the applicant changed the building use for eight commercial units however the applicant wishes to convert three of the units over to residential use surrounding uses and zones the surrounding area is mixed use and zoned r2 residential low density one and two family b2 business secondary neighborhood and see commercial infrastructure water needs will be supplied by the public line wastewater will be handled by a septic system public response other than the applicant and his representative no one else spoke
- 3:32:14 in support of questioned commented or expressed opposition to the petition at at DP&R's public hearing held November 7, 2022. Analysis. During the department's public hearing, attorney Vanetta Norman and Mr. Mark Grimes testified the property was residentially developed prior to the 1972 adoption of the zoning law. The property was granted a rezoning to C commercial in 1974. Residential use is not allowed in the C commercial zone, and the property was deemed non-conforming. The non-conforming residential use ended, causing the property to lose its status.
- 3:33:00 As previously mentioned, section 234F of the zoning code does not allow the enlargement or extension of buildings occupied by a non-conforming use. The department does not have records on why the commercial rezoning was not utilized. However, the applicant's request allowing mixed use of the building is in accordance with the past non-conforming use of the property and the mixed use of the surrounding area. The applicant also wishes to meet the housing need that the Tutu area has. The C commercial zone does not have standards for residential density.
- 3:33:41 Based on the previous density of three dwelling units, one two-bedroom unit and two one-bedroom units and the proposal seeking the same density and unit slash bedroom counts the department does not foresee a conflict with the proposal the territory's housing crisis mirrors the national housing crisis where long-term housing is becoming hard to find in it and is competing with the short-term rental market zoning reform is being encouraged at the national level to address the housing shortfall this takes on several methods allowing housing in zones that previously did not allow housing increasing density slash reducing lot sizes or changing measurements from maximum number of permitted dwelling units per acre to maximum number of permitted bedrooms per acre zoning reform will address the number of zoning map amendment requests we are receiving for allowing housing in zones that did not allow it, or the increase in density being sought through the Amnesty Infill Program and zoning map amendment process.
- 3:34:56 Recommendation. The Department of Planning and Natural Resources recommends that Parcel No. 5C Estate Anna's Retreat, No. 1 New Quarter St. Thomas, be granted a use variance to allow for dwellings. Signed by Retired Assistant Commissioner Keith Richards, dated January 18, 2023. And that concludes the Department's testimony. Very well. Thank you very much. And Mr. Grimson, are you speaking or Attorney Norman? Yes.
- 3:35:27 You may proceed. Good afternoon, Mr. Chairman, Senators, Legislative Staff, Ladies and Gentlemen. I am attorney Vanetta Norman and I appear before you today representing 5C-AR Holdings, LLC, the owner of parcel number 5C Estate Honors Retreat, number 1 New Quarter St. Thomas VI, which I may refer to as a property. With me is Mr. Mark Rimes, the manager of 5C-AR Holdings, LLC, who will specifically address the need for this variant on parcel number 5C, Estate Honors Retreat, and will be speaking on behalf of 5C-AR Holdings, LLC. C. Parcel number 5C Anna's Retreat has a building that was constructed prior to the adoption of the Territory Zoning Code in 1972 and its use was residential from then until approximately 2012. The property was subsequently assigned a zoning designation of C commercial. However, the property's residential use was grandfathered in and allowed to continue after the commercial zoning designation the property was sold to mr grimes's company this past year and he is currently renovating and rehabilitating the building with the appropriate with the appropriate permits in place from dpnr and is expanding it to include a third floor his plan for the property is to create three residential units in addition to five commercial units however according to 29 vic section 234 subsection f any expansion of the building must conform to the current zoning which is commercial meaning that due to the building's expansion all units would have to be used commercially at the present time mr grimes is moving forward with renovating and rehabilitating the building with eight commercial spaces in compliance with

virgin Island's law. But we are coming before you today to respectfully request that a variance be granted for mixed use to allow Mr. Grimes to go forward with his plan to include both commercial and residential spaces. The requested use would not substantially conflict with the permitted uses in the zoning district. A review of our zoning code shows that it already provides the mixed residential or commercial uses. Zoning designations B1 business central business district b2 business secretary secondary excuse me and b3 business scattered all allow for both commercial activities and residential use uses to coexist in the same location if this mixed use is already permitted in accordance with zoning law it then follows that allowing the requested variance for mixed use in this case is not a substantial conflict with the permitted use. Further the intended does not deviate from the property's previous use which was residential and does not interfere with the surrounding neighborhood's property use. Mr. Grimes's presentation and DPNR's report both demonstrate clearly that the areas surrounding the property are being used for both commercial and residential purposes. Allowing Mr. Grimes to include residential units in his building will add to our much depleted housing inventory on the island the number of residential spaces available for long-term rentals was substantially reduced due to both hurricanes irma and maria in 19 excuse me in 2017 and the current popular use of residences for short-term stays although only three residential units will be included on the property it will help provide much needed housing on St. Thomas in an area that has access to grocery and drug stores low-cost restaurants and public transportation and finally after reviewing and considering Mr. Grimes's plan DPNR is recommended that the used variants be granted thank you for your time and consideration

of this important variance and with your approval Mr. Chairman I will turn the floor over to Mr. Grimes who will provide further insight into this project we will both be available to answer any questions or concerns that you may have at the conclusion of his presentation thank you very much at this time mr grimes you may go ahead and proceed with your testimony good day mr chairman senators legislative staff ladies and gentlemen thank you to attorney norman for the introduction i am mark grimes and i appear to before i appeared today before you as the manager and the owner of 5C AR Holdings LLC, the owner of parcel 5C Anna's Retreat, which I may refer to as the property. I am here to request a variance on parcel 5C Anna's Retreat, number one new quarter St. Thomas Virgin Islands, a commercially zoned property to allow for mixed use of residential and commercial within the renovated and expanded structure. Included for your reference today, along with my presentation, I have provided a set of abridged plans, photos of the site and the building, and two letters of support. For clarity, I have included a map of our location. This is the property that is located to the east of Walgreens in Tutu and is accessible through Route 38 by a private driveway. The property is at the border of a commercial zone and a residential neighborhood. It is surrounded on two sides by commercial buildings and on two sides by multi-unit residential i purchased the property in january of 2022 the property included three residential three unit residential building that was grandfathered within the commercial zone the existing building had not been occupied for some time there was a combination of deterioration and storm damage to the existing structure as well as overgrown vegetation and storm debris present at the lot at this early stage the vision for the property was to create a new commercial space while preserving the three existing units to maintain an element of residential within the completed project. After the purchase it was determined by the engineer

that much of the existing building could not be preserved due to deterioration. The revised plan moved forward was changed to preserve one existing unit and the existing cistern which allowed for the expansion of the footprint and the permitted plan presently includes eight commercial units. The investment that is presently underway includes structural rehabilitation of the existing components and spalling concrete. It includes the abatement of asbestos from the property and the expansion of the core and shell of the building. The foundation has been expanded and a third floor has been added. The planned investment for the eight unit commercial building includes a hundred percent block and concrete structure with a concrete roof use of shutters and impact rated windows and doors and it will have the proper parking to accommodate the tenants needs on-site the completed building will have solar power as well as a backup generator the photos I have provided with this presentation show the before condition and the progress of the investment underway today within the provided plans you can see the building as it has been permitted by DPNR as well as our requested change. This variance would make the following changes. It would change from commercial use to mixed use, commercial and residential. The square footage would remain the same, and it would change from eight commercial units, two on the first floor, three on the second floor, and three on the third floor, to five commercial units. Two on the first floor, three on the second floor, and three residential units on the top floor. Please note our variance does not expand the square footage or the footprint of the permitted building nor does it increase the total number of bedrooms from the previously grandfathered structure. And lastly this variance does not to expand to does not seek to expand the use of the building but combine its currently permitted use and its previously permitted use. The new residential units will be used for long-term rentals, not short-term rentals like Airbnb or VRBO. We are not seeking approval for a guest house, but for three units that will be a complement to the existing neighborhood. We hope that future tenants will find value in amenities

- 3:44:04 like the in-unit laundry, backup generator on the property, and being within walking distance to the safari route and tutus amenities like stores and restaurants. I feel that this variant should be granted because mixed use will contribute to a balance in the community between commercial or daytime occupants and residential even evening occupants that will add not just new businesses but new neighbors to the community. I feel that the mixed use is more fitting than commercial use alone because the property is situated on the border between the commercial and residential zones. Lastly the three residential units will help to meet the additional need for housing in the 2-2 area. Thank you, Mr. Chairman, for your time and your consideration of this variance. I welcome you to a site visit on a future date, and I hope the committee of a whole will agree that mixed use is a worthy use of this property and will add value to the community beyond commercial use alone. Attorney Norman and I invite any questions that you may have. Thank you very much, Mr. Grams, for your testimony there that concludes all of the testimony in respect to this measure before us bill 35.0024 at this time i will ask media to show any video footage or photos that we have available mr grimes if you could just narrate what we've seen here yes i think that is uh labeled correctly that is the property that is to the southeast of the property it's being used as a commercial storage area this is a single family or multi-family unit that is located
- 3:45:49 due east of the property thank you uh this is a uh the driveway to the property uh you're looking north toward what was the former carlos furniture building or old henry dry cleaner this is a multi-unit residential property that is located due south of the property this is located to the west of the property this is the back side of walgreens and this is looking in a north easterly direction um also a it's a furniture store and a garage property that is located on route 38 very well thank you at this time colleagues uh there you have it again in this block number two we have two items bill 35.0053 as well as bill 35.0024 and we'll have a four minute round and we'll begin with you senator alma francis heiliger you're recognized for your four minutes good afternoon to my colleagues to the people of the territory to the testifiers and staff alike my first set of questions is for 35.0053 that parcel um when i was listening to the testimony and also reading through the documentation um it spoke about adding the upstairs dwelling and to for mixed use for offices upstairs dwelling area for rent that that's what you guys right now the upstairs is residential and it is a very large space so there is consideration of refurbishing it to a
- 3:47:52 maximum of four units depending upon the size of the units that are needed in the community downstairs is where the offices would go and the offices would be oliver exterminating of st thomas inc which has been bouncing around so to speak for many many years working out of a trailer but having established a good community presence doing good work and another office it's okay okay um the other question i'm concerned about is parking um is there going to be adequate parking for these additional units that you're going to create yes we have discussed the number of parking spaces that would be necessary the offices are so to speak family offices they're the people who work there are the ruin family and that would be the proposal for both offices and so there would not be a lot of traffic to the offices okay and there is plenty of parking space in front of the building uh for residential okay um 35.0024 will this property be the main residence for yourself and your family not at this time at this time not at this time no um when you submitted the for the variants you opted to request for residential um what was the reason why you chose to go more commercial
- 3:49:44 as opposed to requesting a variance to extend for residential versus commercial um at the time it was uh there was an existing structure there that we thought we could rehabilitate as it was one minute and um we decided that that was just not feasible there would have been too much of an investment into the existing concrete um we elected to remove the top floor entirely and basically the east side of the building and then when we decided that that was not salvageable uh we decided to expand the footprint so when you initially submitted your request you submitted to expand a residential property then it was changed to commercial uh that is correct when we found when we received word back from dpnr that it was not going to be allowed to retain the residential element because we had expanded the footprint seconds and expanded to a third floor we revised the plans as requested by dpnr to eight commercial units and now we're proceeding with the core and shell of the building with a plan for the third floor to be offices that can be if this variance is granted will be converted to three residential units when it comes to residential aspect you touched on the need for housing in the virgin islands time could i finish my question how do you accommodate or is there going to be any decision for example looking at the property and i know with commercial zone property only 50 percent of it could be used for the building and the other 50 percent has to be utilized for parking etc did you you accommodate for any small portion for green space to potentially accommodate individuals that might rent, that might have children, or anything like that?
- 3:51:48 So presently, as we plan to go forward, we have two one-bedroom units and one two-bedroom unit. We do have some outdoor space that will be preserved as space behind the building. we do have some balconies that achieve some nice views of the Tutu Valley but we do have a shorting housing shortage across all types of housing family housing housing for young professionals who don't have a family yet and we think that these three units will help to ease some of that burden in the Tutu area be it whether it's a family or whether it's an individual between the two one bedrooms and the one two-bedroom unit okay thank you mr. chair for the additional time. You're welcome. Senator Francis Heidegger. Next,

the chair will recognize. Senator Johnson, you're recognized for your four minutes.

- 3:52:39 Good afternoon. Thank you very much, Mr. Chair. And I'll continue my line of question with ZAT 22-17. And I think I need to ask Ms. Laplace this question. I saw where permits have been issued and construction has started at the site prior to approval. Help me out with this. No, we have a permit in place. There's a permit in place, Senator.
- 3:53:11 There's a permit in place. It constructed before the permit was issued. No, Senator. No, that's not correct. Construction started after the permit was issued. Okay. and notice on your pictures um the road is not paved going to that property am i correct what i saw no there is a concrete driveway presently and we one of our off-site improvements if you will actually that the driveway is on an easement that crosses 5c and we will be improving that area there because it is in uh the driveway is in bad shape there all right and now i i do agree with housing and shortage of housing and i you know dpnr support these two initiatives so i don't have no big quarrel with it but when we talk about housing and being available are you willing to listen to some or accept clients from the section eight um i would be open to that yeah i haven't considered that at this point in time but i would be open to that and my reason for accident those are the people that are are having trouble finding place to live most of the time so are you be willing to take on clients that are under section eight i i would be i would be open to that i would point out that uh the problems that we're having with housing are across um all all housing um all neighborhoods and all types of housing so um my uh first priority is to get a tenant any tenant as soon as we're done but I would be open to hearing about that it's not something that I've considered to this point all right thank you very much
- 3:54:56 and ZAT 23-2 my colleague acts about parking and you say there are plenty what are what plenty what numbers are with your parking space what numbers do you have we're looking at six to nine parking spaces depending upon the size of the vehicles probably in the area of six or seven for regular-sized vehicles and you are willing to accommodate the section 8 at this yes okay as I say DPNR support these initiative and I don't push back much on DPNR unless I feel they're not giving the constituents of the folks who come here you know a fair shot so at the appropriate time I'll support both of these measures may I May I respond to one additional thing about Section 8? We are very in favor of Section 8 because we know that we get paid.
- 3:55:47 Thank you very much. Money is in the bank. Definitely it is. A lot of people don't see it that way. But it's very true that your money is sure. And if the client or the person who is renting is not paying their little portion, Section 8 will help you get them to find the next spot. Thank you very much. Thank you very much, Mr. Chair. Thank you. Thank you very much, Senator Johnson. Next, we'll recognize Senator DeGraff for his four minutes. Thank you, Mr. Chair. Good afternoon, colleagues.
- 3:56:19 Good afternoon, testifiers. Mr. Ruin, orient me as to where your place is located again. Where is the property located? Right west of John Thomas. He goes thick into the mic. Just west of John Thomas, Feral Home. okay and it'd be up the hill no just to the main road the the the lot right next to john thomas where's the parking lot of the funeral home opposite of that by thinking oh okay wait clear okay all right got you um and also so i you know the one thing i heard that clicked in my mind you mentioned about asbestos abatement in that area and then you're talking also about building out so you're not doing a teardown removal was the full abatement of the asbestos completed yes the full abatement of the asbestos was completed as part of the cleaning up and demolition of the property and we had a certified contractor do that that disposes of it in a proper manner the portion of the original structure is remaining we preserved the cistern and a one-bedroom or what was formerly a one-bedroom apartment on the first floor the second floor of the structure was and the roof it had a concrete roof was in bad shape and we couldn't preserve that so that was all removed as well but there is a portion of the existing building that remains the foundation of that part of the building has been bolstered it has been rehabbed and expanded from that okay so the asbestos was in the paint the materials we tested the paint and we tested other materials on site the only place where
- 3:58:07 asbestos was found was in the floor mastic not the tile itself but the glue that held the tile to the floor and all that was abated as part of the before any other work took place okay i i sign is a board of board measures okay thank you for the time mr chair thank you very much senator de graaf senator carillon you recognize for your four minutes thank you mr chair and good afternoon to the testifiers you know reading the report presented by dpnr you clearly see that um there was no opposition expressed in the hearing for both of these matters one was held in december 1st 2022 the one was held at november 7th 2022 so just a few months ago and for both of these i see that there was no oppositions or concerns presented by the general public um miss laplace do you have any concerns of your own no senator good i didn't see any stipulated here and also dpnr um is not objecting they are recommending the variances for both of these um of the any of the two gentlemen representing each of these cases have any concerns or you feel comfortable with the recommendations presented by dpnr if we didn't go along with their yes of course yes but thank you for the question okay no we thank dpnr for their help on this okay very well well there's not much to be said thank you mr chair and i yield the remainder of my

time thank you thank you very much um

- 3:59:54 Senator Carrion, let me let me ask about applicants. You felt that the DPNR process was reasonable and fair. Is there anything that you would recommend that should help to hasten the process? You know, any advice that you have in respect to the process that you experienced with DPNR in regards to this matter? No, I thought it was a thorough process and very straightforward, very transparent and i have no changes i would make that that question is not predicated on whether it's past here or not you know no no no no it's not they they were it was a very transparent process and um you know they moved through as quickly as it can move through for the hands it had to go through very well thank you mr minkoff thank you for the question it's very appropriate and I was hoping somebody would ask that question. It is very often that we hear negative comments about government employees and the process.
- 4:00:58 I've been in the business, and this is not my first rezoning, I've been on island for 45 years, 20 in St. Croix, and the last 25 here. I've been through the process any number of times and I spoke to Commissioner Oriel on his way out giving Leah Laplace Matthew her big ups. And I told her that I was looking for a place to give her her big ups in public.
- 4:01:35 Highest compliments, five stars, and the process was smooth. She's very professional and her communication was almost instant in response or in advance to be proactive on the process. So thank you for the question, and thank you, Leah Laplace-Matthew. Thank you. Thank you very much for your comments there, both of you. Next, the chair will recognize Senator James.
- 4:02:04 That's Javon James Sr., and you're recognized for your four minutes. Greetings once again to the people of the Virgin Islands. greetings testifiers today should be an easy day because there is any any um push back from the public so i really do not have much to say but what i realized though while going through the report for application number z80 23-2 it mentioned that is it was it is a hurricane damaged two-story residential building and i'm assuming that's from hurricanes irma maria right i'm sorry i didn't hear the last part of the question i got the two-story building what was after that it said current use hurricane damage and i'm assuming that's it is not in use now and hasn't been since irma maria so okay so it became like that because of hurricane Irma Zamarea just wanted to know and colleagues you know like like many other individuals in this community we have individuals still going through that process of the hurricane recovery and I'm hoping I'm praying that in the next four years that we can ramp it up because there is definitely a housing crisis but it's not to say that we don't have homes the homes just need to be repaired you know as you drive around the islands you see homes need to be repaired but that's not your issue here that's us to fix but I'm just saying that I'm happy to know that you're able to get back on your feet and to be able to afford an opportunity for Virgin Islanders to have a place to live as far as application number Z8T 22-17 I don't have any comments on that. And to the listener and viewing audience, please take advantage of the VI SLICE program. There are many opportunities. Thank you, Mr. Chair, for the time. Thank you very much,
- 4:04:11 Senator James Sr. And next, we'll recognize Senator Bolquez. You're recognized for your four minutes. Thank you, Mr. Chair, and good afternoon to my colleagues listening and viewing audience and our testifiers. I think I heard mention of housing voucher program or Section 8. I just wanted to put on a record that we have our VP who's our in-house housing guru. The requirements for Section 8 also have to be met concerning second and third floors. You would have to have an alternative emergency egress or exit. Are both of the project managers going to also have those emergency exits for those second and third floors 84 content yes very well uh presently no we don't we have egress windows but i'm not sure if that's compliant with the egress requirement you're you're stating that's that's compliant okay very well i just wanted to put that on the record uh also what's for uh mr minkoff uh what type of businesses do you propose will be operating on the property the businesses types today would be oliver exterminating of st thomas inc which is the ruins with the applicants and another business they're also family owned ruin businesses. Right now, there's a waste management business that would go into that office.
- 4:05:50 Okay, thank you. Don't have a crystal ball, so I don't know what the future brings, but we're talking today. Understood. And DPNR, if you could tell us what qualifies a non-residential use with conditions? What exactly is that? It depends on the site, Senator. When we look at these rezonings, we have to look at this specific area, their, you know, the surrounding character, the objections or concerns from neighbors, so it's really site-specific with these conditions.
- 4:06:21 And non-conforming use? And non-conforming use is just one that's not allowed by the zone, so it's not in its table of permitted uses. Okay, very well. I have a quick question concerning the building. I saw on the report that it was zoned in 1972. I believe that's just the land. But when was the building built for Mr. Grimes, I believe it is? Yes, Mr. Grimes. I don't know when the original structure was built. Certainly before 2010 and far, far before that.
- 4:06:59 Okay, I ask the question because our building codes have changed in the past and we utilized different supplies and materials in the past than we do right now. And I'm just curious to know if the structural integrity of the building would

be able to accommodate an additional floor, which would be the third floor. So we had plans and specifications done by a local engineer. One minute. They're stamped plans. The only thing, the areas of the original structure that are remaining were rebuilt using a material called CICA. which is a it's not a plaster it's a concrete reinforcing agent that stabilizes the you know in some cases spalling rebar we also underpin the foundation and we expanded some of the foundation so that the upper floors are actually bearing a new foundation 30 seconds i hope that clarifies what your yes thank you and um i i will not go against um the determination of dp and r uh both Both of these are within compliance based on the regulations, so I look forward to supporting both of them at the appropriate time.

4:08:10 Thank you, Mr. Chair. Thank you very much, Senator Bulquez, Jr. Mr. Grimes, do you have other similar business interests? Or this is your first and only one? No, this is my first time doing this and my first time appearing before you guys, and we're open to whatever businesses would want to move into the building. Very well. What about you, Mr. Rowan? Do you have other business interests similar to this, or is this your first time doing this? MR. That's the first time. That's it. MR. That's it. Yeah.

4:08:44 All right. Very well. Next, we'll go to Senator Potter. You're recognized for your four minutes. SEN. SEN. SEN. SEN. SEN. SEN. SEN. SEN. SEN. SEN. SEN. SEN. and they do not appear to negatively alter the character of the neighborhoods as a matter of fact they could potentially be enhancements to the neighborhoods so you know I'm comfortable with the initiatives one question though and I know one of the big things that it's I think a good thing to come to the legislature and push is to talk about depleted housing stock that is a sensitive area here we talk about it it's a challenge to find a poor affordable dwellings for middle-income folks in the territory so it's always a good sell to talk about your initiative that's going to in some small way add it to our depleted housing stock so I commend you for that now in terms of what is considered affordable I'd like to ask you gentlemen with the housing initiatives the housing units are they truly going to be considered affordable uh answering for 84 content yes very much so rents on the island range anywhere from 650 850 for studio thousand twelve hundred for one bedroom fifteen hundred up for a two bedroom and very much depending upon the location and also the location for transportation there's a bus stop across the street so the buses safaris run that road very much so okay mr grimes uh good afternoon

4:10:57 um our uh this the housing problem that we're having is across all kind of spans of housing And I think that our goal is to be at the market rate for housing. I think that the enemy to affordable housing is the short-term rentals that are really eating up the inventory that could otherwise help balance out the appropriate use of these houses that are in neighborhoods and these houses that are in Tutu. So our goal for renting the residential units is to be on market to recoup our investment, but I am committed to not being a short-term rental. I'm committed to being a long-term rental for young professionals in the area. We're on the safari route. You could potentially rent these without a vehicle, which is another element that I think brings in a different tenant, somebody that is a Virgin Islander that is looking to be here long-term, and maybe this is a step on their way to a different type of housing as well.

4:12:02 Thank you. Thank you for that. Ms. Laplace-Matthew, by the way, I concur with Mr. Minkoff's opinion about your presentation. I think you've consistently been very much a professional every time you've been here before this body, so I definitely concur with that. Now, after setting you up with that compliment, I have a question for you. I'm ready. Can you walk me through the process of getting neighborhood or neighbors' comments on a rezoning? I noticed for at least one or two of the initiatives that were before us today, there was like no comments one way or the other. Time. Are we sure that we're getting, if I may, Mr. Chair? Are we sure that the word is out, the word is getting out there for residents or neighbors who may have a vested interest in these rezoning initiatives? Are we sure that we're getting the word out to them?

4:13:10 And can you just walk us through that process? Yes, Senator. So one of the things I recommend to all applicants before they even apply is to go out and inform the neighbors of their proposal. now the required process is when they bring in their application we get a listing of the neighbors within 150 feet from tax assessors the public hearing when it's scheduled a letter goes out to those neighbors a certified letter but there's also a sign posted on a property as well as newspaper ad after the public hearing we also give them a public comment period so that they still have additional time to submit comments so that's the process thank you very much for that thank you very much mr chair for the time thank you very much senator potter next we will recognize senator fonseca he recognized for your four minutes uh yes uh thank you very much mr chair and a pleasant good afternoon to the listening audience um okay um in regards to um uh the proposal for 35 uh bail number 35 that's uh zero zero two four um mr grimes so you're the manager for 5c ar holdings um but you're not you're not the president you're not the principal you're the manager it's just me so you can call me whatever you want okay okay because um i i just wanted to understand And I know the question was asked following up to the honorable president, but is 5C-AR involved in purchasing other properties on St. Thomas?

- 4:14:58 No. This is your first one? Yeah, this is all I have. Okay. I have an apartment that I live in on the north side. Okay. That's my personal business. So it was purchased in 2022? January of 2022 we closed. how much was the purchase price for that building um i don't recall the exact number off the top of my head oh you can't recall okay so if i'm there in key mart in walgreens and i go in the parking lot to the back there's a big big wall that property is adjacent to that big big wall that's the property you're talking about yes if you're standing uh with your back to walgreens facing east there's a tall wall so that's that property there it's it's under construction right now you You can see it clearly from the Walgreens parking lot.
- 4:15:47 Okay, so you're going to have on the first floor is going to be two bedrooms and one, what is it, an efficiency or one bedroom? I provided some plans. I think it's a one bedroom on the bottom. No, no, I provided some plans to the clerk and I can make them available after the hearing as well. But we have a walkout level at the basement level, cistern level. and um it's an existing unit a cistern and a new unit those will be commercial those are walkout uh ada access to the businesses on that level around the back of the building there's an entrance to the what you what would be the second floor as it appears okay you can provide and that's commercial and then third floor would be residential yes you can provide thank you okay so um regarding uh bill number 35 dash zero zero five three um uh you know mr and mrs ruin i notice uh your wife is in the back there um you know all of our exterminating um you know long time reputable uh virgin islands business you're representative you're represented by um of course a real competent uh person uh mr minkoff so this is now when you um right in the back of what used to be john thomas funeral home right um right before like if you're going into where all the smaller school use, going up the little hill there, this is the one right in the back, right?
- 4:17:14 That's correct. It is right between the funeral home and the road that goes up into the back. Yes, yes, yes. And it would be across that street. Yeah, so I didn't understand the question, so are you going to be also using the John Thomas funeral home as parking? 30 seconds. No, no, we have nothing to do with that. Okay, just going up the hill there in the back. Self-contained 84 contact. Okay. Well, I've noticed that, you know, the government agency has not objected to any one of these two proposals, so at the appropriate time, I also intend to cast my support. And thank you very much, Mr. Chair. I return the time.
- 4:17:56 Thank you very much, Senator Fonseca. Senator Capehart, you're recognized for your four minutes. Thank you, Mr. Chair. Good afternoon, colleagues. Good afternoon, testifiers. This question first is for Ms. Leah Laplace-Matthews. For 84 estate content, is that tier one or tier two? Tier two. Okay. Mr. Minkoff, Oliver exterminating St. Thomas, are you moving the administrative offices there? Yes? Yes. you're not holding none of the pesticides none of the products you use to spray correct okay so it's just administrative correct okay thank you attorney Norman pleasure to see you nice to see you too mr. Grimes thank you for you know adding to the pool of residents that the people of St. Thomas would now have because yes we do have a shortage in the Virgin Islands for housing but you mentioned that you had an abatement of asbestos from the property I've had some of my colleagues touched on it but we all know that asbestos is a dangerous carcinogen right um and it's known to have people to get misethylioma asbestosis did you hire a company to remove this or did you do it yourself i hired a company that's insured and licensed specifically to do abatement of lead and asbestos that's uh they also certify when they're done that all of it has been removed and uh that was critical to the uh to the process
- 4:19:53 did you get a report of where they're taking that stuff how they're removing it i i did not but i could i could ask them for that they're a reputable company that's done a lot of abatement in the virgin islands and i would be happy to request that if if you like yeah i would suggest you do that because you want to make sure you know where that hazardous material is going from your property to the next place where it's supposed to be this dispose of um you also mentioned that there's going to be an expansion of the footprint so with the expansion of the footprint that means you're creating more space correct yes so are you going to the individuals who you are going to be renting for commercial use do they have to do their own electrical meter box do they have to do their own water meter or you are doing all of this for those commercial units presently we plan to bring in one line and have one master meter and then it will there will be sub meters underneath that and the reason for that is because we do intend to provide a backup generator that serves the whole building one minute as well as a solar system that serves the whole building as well great um also as you're doing the expansion of the footprint that means there's going to be more load on your septic system what are you going to be doing for the septic system that you had a smaller unit to now a bigger unit where you would have more usage how are you going to accommodate that um we are replacing 100 of the septic system 30 seconds with a um with a system
- 4:21:43 that has been designed by an engineer for the capacity of the building it was uh sized based on it being uh having residences in it which my understanding is that exceeds um the commercial use that's permitted now so it's a brand new system and it will exceed the capacity of what is permitted and it will uh meet or exceed what is uh requested with the variance time thank you mr grimes uh thank you very much uh point of point of information senator fonseca you

recognize uh yes uh thank you uh mr chair um mr grimes uh um i know you didn't remember how much you purchased the house for or where the asbestos was disposed of but do you know the name of the company that did the asbestos abatement um yes i do uh it's called universal abatement services and they are licensed and insured to operate in the virgin islands and that is their line of work they exclusively do that thank you thank you very much next we'll We'll come to Madam Secretary. Senator Joseph, you're recognized for your four minutes.

4:23:03 Thank you so much, Mr. Chairman. A pleasant good day to everyone. I will just go straight into it. I did have an opportunity to visit both sites last week, Friday, so I know where they are located. And my staff went there prior to me, so I jumped off of a plane on Friday from St. Croix and went to both sites. So I'm very familiar with the location. The location of the estate content location is right there after Tint King. There are two bins, green bins, right down at the bottom, and I saw the location. At the end of the road, Edgar Baker Phillips lives, if you keep going straight, Edgar Baker Phillips lives there, and right across, former Senator the Honorable Judy M. Gomez lives on the other side. So I am very familiar with that area as well, and I had the opportunity, Mr. Grimes, to also visit your site, which is located behind of what was the old Henry laundromat. Many years ago, they were cited for doing some not good things with their waste. But anyhow, so I wanted to ask you first, Mr. Minkoff, if this question has been answered, just say answered already. You are now going to have an R3 zoning based on your application, correct? This is R3?

4:24:46 That is the present zoning. Okay. And this zoning, this is the present zoning. So, with this zoning, you plan to just put in the retail portion and the offices, and that's why you need to have this zoning, because you don't plan to add on any height to the current building. The answer to the last part of the question is no. The answer to the first part of the question is no retail, just offices. Just the offices. Ms. Laplace, kindly indicate to us what is the height, how many units the R3 zoning can accommodate? Residential units. The R3 zoning can go up to six floors. The density is based on the acreage, so it's 80 persons per acre, so we'd have to calculate based on the acreage.

4:25:41 Okay, thank you. Now, how are we looking for off-street parking? Because that's a very small road to traverse. And my concern is the off-street parking. Because should emergency vehicles need to go there, how are the emergency vehicles going to be accommodated? You are going to have sufficient off-street parking, correct? Yes.

4:26:11 Okay, that's fine. Thank you, Mr. Minkoff and Mr. Ruan. Now, Mr. Grimes, just quickly indicate the same. You will have sufficient off-street parking. Yes, we have it in our plan. Okay. Now, I know you said you have residential areas, and this is being built in accordance to the American Disability Act? um i don't know what uh specific requirements would be because you have right because you're having stories and how are human beings who are disabled you could get a resident who is your tenant and they will have now challenges you know we are all already limited with our housing stock and so if this tenant is maybe on the second or third floor how would they be able to access their apartment anyone could become disabled any day or time time mr.

4:27:11 chairman may you may wrap up thank you kindly our commercial floors are ADA compliant as far as approach for the wheelchair and size of openings size of openings on the residential floor are appropriate but we the only access currently to the upper floor is a stairwell so if that was a requirement we we do not have that uh presently in the plan so dp and uh um that may be something during their whole other process i don't know if you could look into it because uh because of the limited mr mr chairman i'm gonna wrap up right now uh because of our limited housing stock it would be very prudent to have access to the units if somebody should become disabled thank you kindly mr chairman you could take a minute for a point of personal privilege thank you kindly for reminding me mr. chairman I am here joined behind of me with my summer intern if he would be so kindly to stand his name is Midley St. Germain Mr. St. Germain is a senior attending the Ivana-Eudorican High School. He is 17 years old. He is part of the Ivana-Eudorican High School business department. And after completing high school, Mr. Midley plans to attend the University of the Virgin Islands, majoring in science and information technology that's computer science and he said if that does not work out he has his backup plan in place he said he would like to attend a trade school for marine mechanics so I really appreciate having mr. Midley with me and our office since February thank you so much mr.

4:29:17 Thank you. Welcome. Welcome, sir. Mr. Middley. Next, the chair recognizes Senator Donofford Gregory for her four minutes. Thank you, Mr. Chair, and good afternoon to the testifiers. quickly on the Ruan, Mr. Ruan or Mr. Minkoff, what's the acreage of the property that's before us today? 11,000... You have to speak into the mic. Sorry, I don't have the map in front of me. It was 11,000... 11,253 square feet. So that's what a plot?

4:30:11 Quarter acre. Slightly over a quarter acre. Like a plot, right? So let's go back to talk about the parking, because I think I heard several of my colleagues ask about the parking. So you are looking to put, is it, how many apartments upstairs? Maximum of four. Four apartments. And what kind of apartments? Four bedrooms, one bedroom, two bedrooms, what? Probably two bedroom. but depending upon when the construction and plans are being done based on the space upstairs that may change downward per unit so you're talking about a so two-bedroom two four four four two bedrooms being

perhaps likely eight people may live in it individuals will be requiring parking give or take if it's a family if it's not give or take let's say the maximum is about eight and then you have the the business downstairs basically the personal business cars of right but how many cars are we talking about to you certain that you have sufficient parking you have a quarter of an acre yes the way the building is presently cited is cited as far back on the property as possible space in the front okay so let's talk about economic benefit have you do you have a proposed drawing of this yeah you haven't done yet yet okay so what about the economic benefit what do you what do you think that this will cost you to build and

4:32:09 then they'll help us to understand you know what kind of taxes you have to pay against it I read ruin basically acts as his own contractor so the costs are much lower than if the causes someone from other than the family we're doing the business okay son is also an engineer okay okay so so you're not hard on the economic benefit so i'm going to move on to the next um person so that's grimes so you you're proposing three residential units yes that's correct four no i moved on three residential units on the top floor so you have five you're proposing five commercial units that's correct yes so your five commercial units these are these are commercial units that you are looking to rent out 30 seconds yes okay so what is the economic value on this uh the cost of construction is about 1.2 million okay so and how long is your construction period uh it's uh 16 to 18 months say that again 16 to 18 months 16 to 18 months so run let's go back what is your um construction timeline time you have to speak in the mic 15 months about 15 months all right well i don't have any other questions mr chair i think that um this these two these two zoning requests are pretty straightforward my primary concern was the the parking and not having any challenges with folks parking on our road size because i think one of our colleagues brought it up about um you know vehicles being able to traverse back and forth because where that particular um property is located is right behind um John Thomas and that's a very tight tight road so once you're inside your

4:34:22 fence lines then I guess we're fine but I see some potential challenges there thank you for the time mr. chair thank you very much Senator McGregory how next we'll recognize Senator Blighton you're recognized for your four minutes thank you so much mr. chair and good afternoon again to the testifiers and And thank you for your testimonies. Let me start with ZAT-23-2. So everyone, how are you doing?

4:34:51 Mr. Minkoff, how are you doing today? Thank you so much for your investment. I know exactly where the property is located. And let me ask you, in respect to the two businesses, have the all of exterminating what the next business your son how about the name of it again what type of business your son has the next business that's going there what type of business right all of the exterminator what the next business type of business the businesses that are planning to go into the offices are oliver exterminating of st thomas inc and another family owned business what type it's a waste management business but it'll be administrative offices that was my question and concern thank you for that clarification um in respect to the dwelling units upstairs and you said hope it might be two bedroom but based on a footprint it might be down to one bedroom apartments um if necessary um that's a good thing because as you know with the housing situation number one and number two i'm glad you stated that you're going to accept section in also because that's money in the bank even before before when the month starts you get your money up front you know and it makes sense in terms of um return on your investment because whether a person is working or not you still have a check coming in so that's a good investment in my opinion and it assists with housing individuals so i appreciate that so definitely i would be supporting as a matter of fact i signed on already on your request i'm a sponsor of that secondly mr grimes how you doing good how are you today i'm fine um you stated um with your response to some of my of my colleagues that you don't recall um which it's not important to me how much you paid for the unit but what's the what does it look like in terms of your investment um

4:36:48 when it comes to you're doing a lot you basically be building you know that's like that's a really serious investment and you stated that you're going to have two dwell two rental units and five commercial space how much commercial space we have and how much rental units okay so i did provide a set of plans and i'm happy to share those afterward as well um but we have um five commercial units ranging from like 600 square feet up to just under a thousand square feet and then or excuse me there's five units of that type and then the three um units on the top floor i'm not exactly sure of the square footage of the residential units but it is two one bedroom units and one two-bedroom unit.

4:37:28 I appreciate a one-bedroom unit because those are the hardest to get in the territory right about now. One minute. Actually, in terms of the return on your investment, have you done any type of analysis because you said it's your first time and you live on the north side? Have you done any type of analysis in respect to which would be a better return on your investment instead of the commercial rental space and all the housing units being rented because based on the availability of housing and territory, and based on the need, have you done any type of analysis to see what's the best return on your investment with what you're doing with that unit?

4:38:04 Yeah, I do think that there's, I think there's a need in both categories, residential and commercial. 30 seconds. I don't think that... But I'm speaking to return on your investment. Of course there's a need in both areas, but I'm asking you

specifically. Correct, but the way I would put it is that, I think that more residential would be inappropriate for the lot and more commercial uh would kind of be inappropriate for the neighborhood um back where we are we are zoned commercial we're on the border of the commercial and the residential area so we always had an intention to preserve that um element of residential i think probably right now like you're saying a one bedroom unit does rent probably higher than than it normally would um but i would could i continue yeah um but i think that that commercial brings a little bit more balance to it and does maximize the use of the property um that's how i would leave it okay very well i do appreciate nonetheless that um you are considering um rental rental space within your um your investment so i appreciate that thank you so much for your responses mr chair thank you for the time thank you very much senator blighton this runs out um our block two thus far allow for any burning questions many of my colleagues may have If not, we'll hear from the testifiers for closing. So, Frank Gregory, you recognize? Nobody on this side yet?

4:39:27 So, Frank Gregory, you recognize for Alibi. Thank you, Mr. Chair. Just going back very quickly to the question I was asked by the previous speaker with regards to the use of the additional office space. I wasn't clear on what you said. You said the purpose, I think he queried and asked, the purpose of the office was, would be what? Administrative offices. It's an admin office for oliver exterminating of st thomas inc and another family business okay so he queried about the family business and that's why i wasn't clear on there there's a waste management business 30 seconds okay so so let's flesh that out so the waste management business what type of functions will be occurring on the property with regards to the waste management business administrative offices so it's just straight office all right just need clarification thank you mr chair again i want to thank you i'll give you 30 seconds um for each of the applicants or the representative to do the close-up and then we'll come to the government officials all right good afternoon again um thank you for your time and consideration and we hope that you vote favorably for the variants thank you thank you attorney norman next mr grahams uh thank you again for your time today i hope that um we answered all your questions to your satisfaction and that you all support the variants for 5c and his retreat thank you mr minkoff i appreciate leah laplace matthew and everything that she has brought to the rezoning process and i would like to thank all of the senators and all of the staff here for appropriate questions that were spot on and hopefully answered in a positive and acceptable way we do look forward to your vote thank you for your time uh thank you very much mr minkoff mr ryan thank you uh senators and the body of the senate and for all your support i'm looking forward to a positive outcome of our request thank you thank you that's the laplace matthews

4:41:39 good afternoon i'd like to take this time to let the people of the virgin islands know that the The virtual town hall meetings are up on the website, planusvi.com, so please participate in the planning process of the comprehensive plan. Thank you. Very well. Thank you. And again, this concludes this hearing today. I want to thank the St. Peter and Paul's U.S. government class for being here with us all day today, and as well as Mr. Farrell, the teacher, and the tests will be available in the next few minutes after we close out here.

4:42:12 I want to know how much you have learned, as well as, again, I want to thank my colleagues for today. Certainly thank central staff, senatorial staff, and all of you that participated in making this a successful hearing today. The Committee of the Whole of March 13, 2023 is hereby adjourned. God bless. Thank you. Thank you. Thank you. Bye. Bye.

People named in this transcript

SUSPECTED, and a finding aid only. Names were matched by machine against the spellings used across all 426 of our transcripts, and the title is the one used in the room. Being named here is NOT evidence that a person attended or spoke · only that the name was said. Speech recognition mishears names, so a spelling may be wrong even where no alternative is offered.

- 9x **Senator Franklin D. Johnson**
heard in this transcript as: Johnson
- 9x **Senator Marise C. James**
the surname alone also matches: Javan James; Giovanni James Sr
heard in this transcript as: James, James Sr, Maurice C. James, Maurice James
- 7x **Commissioner Jean-Pierre Oriel**
heard in this transcript as: Oriel
- 7x **Senator Kenneth L. Gittens**
heard in this transcript as: Gittins, Kenneth L. Gittins
- 6x **Senator Diane T. Capeheart**
heard in this transcript as: Capehart, Diane T. Capehart

6x	Senator Dwayne DeGraff heard in this transcript as: DeGraff, Duane M. DeGraff, Graff
6x	Senator Ray Fonseca heard in this transcript as: Fonseca
6x	Senator Samuel Carrion heard in this transcript as: Carrion
5x	Senator Angel L. Bolques, Jr. heard in this transcript as: Angel L. Bolques Jr., Bolquez, Bulquez Jr, Bulquez Jr.
5x	Senator Carla Joseph the surname alone also matches: Clifford Joseph; Karla J. Joseph heard in this transcript as: Carla J. Joseph, Joseph
5x	Senator Milton E. Potter heard in this transcript as: Potter
4x	Senator Alma Francis-Heyliger heard in this transcript as: Alma Francis Heiliger, Francis Heiliger
4x	Senator Javan James heard in this transcript as: Javon E. James Sr, Javon James Sr
4x	Senator Marvin A. Blighton heard in this transcript as: Blighton
4x	Senator Marvin Blyden heard in this transcript as: Blyden, Blyton
4x	Senator Novelle Francis heard in this transcript as: Francis Jr, Novel E. Francis Jr, Novell E. Francis Jr
3x	Senator Fred Gregory the surname alone also matches: Donna A. Frett-Gregory; Donna Frett-Gregory; Donna A. Fred Gregory; Frank Gregory heard in this transcript as: Gregory
3x	Commissioner Virgin Islands Department heard in this transcript as: Department
2x	Senator Angel L. Bocas Jr heard in this transcript as: Bocas
2x	Senator Donna A. Frett-Gregory heard in this transcript as: Donna A. Fred Gregory, Donna Gregory
2x	Senator Donoffer Gregory the surname alone also matches: Donna A. Frett-Gregory; Donna Frett-Gregory heard in this transcript as: Donofford Gregory
2x	Senator Francis Heidegger
1x	Senator Donna Frett-Gregory heard in this transcript as: Donna A. Frett-Gregory

Bills and acts referred to

Matched by number against our own acts corpus. The number is what the recognition heard, so it may be wrong; where it resolved, the title is the one the Legislature gave the act.

Bill 35-0053	Act 8718 · An Act granting a zoning use variance for Parcel No. 84 Estate Contant, No. 7B Southside Quarter, St. Thomas, Virgin Islands from the R-3 (Residential-Medium Density) zoning designation to allow for offices ---0
Bill 35-0024	Act 8712 · An Act granting a zoning use variance for Parcel No. SC Estate Anna's Retreat, No.1 New Quarter, St. Thomas, Virgin Islands, to allow for dwellings ---0
Bill 35-0040	Act 8715 · An Act granting a zoning variance for Parcels No. AI-24 & AI-25 Estate Thomas, No. 6K New Quarter, St. Thomas, Virgin Islands to allow an office, 2 one-bedroom apartments, flex space, gym, 13 parking spaces, (1 handicapped), cistern and grey water cistern and accessory building for generator and garage space ---0
Act 7934	Act 7934 · An Act amending title 17 Virgin Islands Code, chapter 5, section 41, subsection (c) relating to the courses required to be taught in public schools by adding a structured civics course and providing for technical amendments ---0
Act 8718	Act 8718 · An Act granting a zoning use variance for Parcel No. 84 Estate Contant, No. 7B Southside Quarter, St.

Thomas, Virgin Islands from the R-3 (Residential-Medium Density) zoning designation to allow for offices ---0

Act 8712

Act 8712 · An Act granting a zoning use variance for Parcel No. SC Estate Anna's Retreat, No.1 New Quarter, St. Thomas, Virgin Islands, to allow for dwellings ---0

Act 8715

Act 8715 · An Act granting a zoning variance for Parcels No. AI-24 & AI-25 Estate Thomas, No. 6K New Quarter, St. Thomas, Virgin Islands to allow an office, 2 one-bedroom apartments, flex space, gym, 13 parking spaces, (1 handicapped), cistern and grey water cistern and accessory building for generator and garage space ---0

Referred to but not found in our acts corpus: Bill 35-0052, Bill 33-0466, Act 3562