

**BONAVENTURE SQUARE**  
**Establishment of Planned Development (P-D) Zoning District**  
**and**  
**Approval of Development Plan**

**August 26, 2010**

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The Town Board of the Town of Allegany hereby **RESOLVES** as follows:

1. There is hereby established a **Planned Development (P-D) Zoning District**, the boundaries of which are described in Exhibit A, which is attached hereto and made a part hereof.
2. Such P-D Zoning District shall be known as the Bonaventure Square P-D Zoning District.
3. The Bonaventure Square P-D Zoning District shall be developed in accordance with the **Development Plan for Bonaventure Square**, as described below. The Bonaventure Square Development Plan is hereby incorporated by reference into the Town of Allegany Zoning Ordinance.

**LAND USES, MAXIMUM BUILDING BULK AND HEIGHT**

Land Uses, maximum building size, and maximum building height for the Bonaventure Square P-D District shall be restricted to the following.

- up to **35,000 square feet of retail space**, in one or more buildings. Retail uses could include, but are not limited to, bookstore, cafe/coffee shop, small restaurants and/or pizzeria, convenience grocery, and/or offices.  
*Height:* no more than 2 stories, not to exceed 25 feet, as measured by the town's zoning ordinance.
- up to **52,000 square feet of entertainment/restaurant** space. The facility could include a restaurant, sports lounge, 24-lane bowling facility and video game arcade. The facility may include meeting rooms as an ancillary use to the restaurant. The facility may include a 3 story clocktower as both a decorative and usable building element; the overall building square footage includes the usable square footage in the clocktower.  
*Height:* no more than 2 stories, not to exceed 25 feet, as measured by the town's zoning ordinance, except that the clocktower may be up to 3 stories.
- up to **200,000 square feet in the Sportsplex**. This facility will include ice rink(s); a multi-use soccer/lacrosse/football/field hockey field; 6 tennis courts which may be convertible for basketball, volleyball and hard-court uses; and training and exercise facilities. Ancillary facilities will include locker rooms and administration space. The principal intended use of the building is for sports, including sports tournaments, but the building could also be a multi-purpose venue for other events, such as concerts and

lectures/speakers. The 230 space covered parking lot is included in the total square footage of the building.

**Height:** not more than 60 feet, measured to the highest point of the roof.

- up to **100 room Hotel**, not to exceed 90,000 gross sq. ft. Ancillary uses could include a lobby, indoor pool, jacuzzi, fitness room, business center and meeting rooms, small convenience shop for hotel guests only, and guest laundry. Some rooms could be suites with an in-room kitchen.

**Height:** no more than 4 stories, not to exceed 45 feet, as measured by the town's zoning ordinance.

- up to an 80,000 sq. ft. **Apartment building**, containing no more than 165 total beds, which will be configured in one bedroom and two bedroom apartment units. Ancillary uses could include a fitness center and meeting rooms.

**Height:** not more than 4 stories, not to exceed 45 feet in height

- on-site **parking** for users of the facilities of Bonaventure Square

- **District Energy Facility**, up to 2 megawatts (MW) in generating capacity. The building would be no more than 5000 square feet in size. This facility, which may or may not be constructed depending upon additional feasibility studies, would provide a co-generation combined district heating and power facility, which would be used by one or more of the buildings on site. If the district energy facility is not built, then each building would be supplied with traditional gas, electric and heating/cooling from traditional utilities and facilities. At the present time this site component is speculative; if this component is proposed at a later time, SEQR review will be required.

**Height of building:** no more than 1 story, not to exceed 24 feet

**Height of exhaust stack:** not to exceed 40 feet.

## **SITE LAYOUT**

Two alternative site plans have been proposed, one with part of the ring road being dedicated to the Town, as shown on the site plan prepared by Foit-Albert Associates, dated June 23, 2010, and another with the ring road entirely owned by the project sponsor, as shown on the site and utility plans prepared by Foit-Albert Associates, dated April 2, 2010. Either of these configurations is generally acceptable, as modified in this approval.

## **COVERAGE**

The site at buildout shall provide a minimum open space area of 35% percent of total site area. The open space area may include the pedestrian plaza, sidewalks, landscaped areas and buffers, in addition to setbacks from the property line. Open space shall be distributed throughout the site.

## **SETBACKS (YARD REQUIREMENTS)**

- The minimum setback from exterior property lines (the boundaries of the Bonaventure Square P-D zoning district) for buildings shall be 50 feet.
- The minimum setback from the ring road for all buildings shall be 10 feet.
- The minimum setback from the exterior property line and from the ring road for the District Energy Facility shall be 10 feet.
- The minimum setback from all property lines for parking lots/areas shall be 8 feet.

## **PERFORMANCE STANDARDS**

1. Pursuant to Section 4.10 of the Town's Zoning Ordinance II, no building permits shall be issued for any component of this development until Site Plan approval has been obtained from the Town's Planning Board. All project development shall be in substantial conformance to this approval and to the conceptual site plan; however, at the time that individual components of the development come before the Planning Board for Site Plan approval, the Planning Board may approve modifications and adjustments to the conceptual site layout, provided that the overall intensity of uses and types of uses conform to this approval. Each application for Site Plan approval shall require referral to the Cattaraugus County Planning Board pursuant to Section 239-m of General Municipal Law, unless this requirement is waived by the County Planning Board.
2. The development may be phased. With the site plan application for each phase of development, the developer shall indicate how utilities and access will be provided. If necessary, temporary turn-arounds for vehicles, which are adequate for emergency vehicles, shall be provided.
3. ***District Energy Facility***
  - a. Prior to any site plan approval of this project component, if this facility is deemed feasible in the future, the Planning Board shall conduct an environmental assessment pursuant to SEQRA. This assessment will include, at a minimum, noise, air quality and community character impacts.
  - b. Before a site plan approval can be issued for this component, the Planning Board shall determine that there will be no air quality impacts on the neighborhood; that adequate buffering for visual, sound, and other impacts is provided; and that there will be no more than a 3 decibel (A-scale) increase over background noise levels, measured at the property line of the site. To determine the background noise level, sound studies shall be conducted over time, and an average ambient sound level shall be determined using standard acoustical practices.
4. ***Utilities***
  - a. Utilities shall be constructed in substantial accordance with the Preliminary Utility Plan, prepared by Foit-Albert Associates, dated June 23, 2010. During site plan review the Planning Board may approve modifications and adjustments to the preliminary plan, as may be recommended or agreed to by the Town's Highway, Water and Sewer Superintendent.

- b. Prior to the issuance of the first building permit for any component of the project, the sanitary sewer main shall be relocated, at the developer's expense. If the relocated line is not located in a public right-of-way, the relocated line shall be accompanied by an easement, a minimum of 20 feet wide, with the line located in the center of the easement. The easement shall be accompanied by a legally binding agreement providing the town with access to that easement.
- c. Water lines shall be dedicated to the town. Sanitary sewer lines may be offered for dedication to the town. However, if any portion of the ring road is dedicated to the Town and sewer lines are located in the Town road right-of-way, those lines shall be dedicated to the Town.
- d. All utilities that are offered for dedication, which are not located in a public right-of-way, shall be accompanied by an easement, a minimum of 20 feet wide, and a legally binding agreement providing the Town with access to that easement.
- e. All utilities shall be designed and constructed to the specifications of the Town's Highway, Water, and Sewer Superintendent.
- f. Prior to site plan approval for each phase of the development, the developer shall provide runs of the Town's water supply computer model, based on the actual required fire flow for each component of the development, as required by the SEQR determination of significance. If necessary, measures to provide adequate fire flow shall be provided by the developer.

**5. *Stormwater***

Prior to Site Plan approval for the first phase of the project, the project engineer shall finalize the design of the Stormwater Pollution Prevention Plan (SWPPP) to describe adequate water quality treatment measures and to finalize design for water quantity measures. Prior to final design, the project engineer shall perform field measurements of the infiltrative capacity of the soils, as required by the SEQR determination of significance.

**6. *Buffering and Landscaping***

- a. All areas of the site not occupied by buildings, sidewalks, parking, driveways and access roads, except for the pedestrian plaza, shall be landscaped. Landscaping shall comply with the requirements of Section 5.17, Landscaping Regulations, and Section 4.14, Route 417 East Corridor Overlay District, of the Town's Zoning Ordinance.
- b. In particular, a landscaped buffer, maintained by the property owner, shall be established along the Route 417 frontage; this buffer shall be approved by the Planning Board as part of site plan review and approval for the first component of the project that is developed. If this buffer is within the right of way of a town road, an agreement shall be executed with the Town that provides for on-going maintenance of this area by the property owner/developer.

- c. Adequate buffering, to the satisfaction of the Planning Board, shall be provided between the site and abutting properties. This will include fencing around the perimeter of the P-D District where it abuts property in the R-1 Zoning District. Landscaping shall also be provided, where possible. For the Bonaventure Square development, the Planning Board may approve a fence of up to eight (8) feet in height.

#### **7. *Architectural Standards***

- a. All buildings and structures, including loading docks and garbage dumpsters, shall conform to the architectural, screening and other standards of Section 4.14 of the Town's Zoning Ordinance.
- b. In general, site design shall conform to the site elevation dated Feb 23, 2010, prepared by Foit-Albert Associates.

#### **8. *Vehicular Circulation***

- a. The main vehicular entrance to the development shall line up with Francis Drive, as shown on the site plan.
- b. Those portions of the ring road to be dedicated to the town must meet all the standards for a town road, including right of way width, no parking in the right of way, and turning radii. All parking lots shall be located off the right of way, and shall be connected with not more than two entrances per lot. The parts of the road that are dedicated as town road shall be posted with "no parking" signs at the developer's expense.
- c. Two stop signs will be installed on the ring road, at the expense of the developer, to the east and west of the main entrance.
- d. The road exiting the site onto Cranberry Road, shown on the site plan dated June 23, 2010, shall be eliminated. The connection to Cranberry Road shall be pedestrian access only. The road spur to the west (left) of the 144 space parking lot shall be eliminated.
- e. Prior to the issuance of the first building permit for the project, the developer shall set up and fund an escrow account, in an amount adequate to conduct a traffic study, which will be conducted after full development of the site, in order to determine if a traffic signal at the main entrance onto Route 417 is warranted. The traffic study will be presented to NYSDOT. If warranted, any recommended traffic control devices shall be paid for by the owners of property within the Bonaventure Square P-D Zoning District.

#### **9. *Pedestrian circulation***

- a. A sidewalk shall be provided between the apartments and the pedestrian plaza.
- b. Since the site is located across the street from St. Bonaventure University, and there will be some university use of the site, including the proposed bookstore and parts of the sportsplex, it appears that Bonaventure students and others will be crossing between the campus and the site. To provide for a safe crossing by pedestrians, a crosswalk(s) on Route 417 shall be installed at the main entrance to the development, across from Francis

Drive. The crosswalk shall be designed to connect with the Allegheny River Trail that is being extended by St. Bonaventure University along the Route 417 frontage of the campus. "Pedestrian crossing" signs shall be posted on Route 417. All improvements shall be at the cost of the developer. Prior to any work on Route 417 or in the right-of-way, the developer shall obtain the proper permits from NYS Department of Transportation; the Town recognizes that if NYSDOT does not concur with the requirement for crosswalks, they cannot be installed.

- c. A pedestrian connection between the crosswalk on Route 417 and the pedestrian plaza on site shall be provided.
- d. A clear pedestrian route, separate from parking lots and interior roads, shall be developed between the pedestrian access to Cranberry Road and the sportsplex.

#### ***10. On-Site Parking Areas***

- a. The developer shall provide adequate parking on-site to serve all components of the project, taking into account that shared parking will occur. The required number of on-site parking spaces for the mix and intensity of uses contained in this approval is a maximum of 643 spaces. This does not include event parking, which shall be accommodated off site (see performance standard #11). Although shared parking is envisioned at full build-out of the development, if the development is phased, each phase shall provide enough parking spaces to adequately meet the anticipated parking demand for that phase, taking into account the cumulative amount of parking that may already have been provided on site.
- b. All parking spaces shall be 9.5 feet wide by 18 feet long. For the Bonaventure Square development, the width of drive aisles within parking lots shall be a minimum of 24 feet wide. This is a reduction of the Zoning Ordinance standard of 25 feet wide. These dimensions shall be called out on the site plan for each phase of the development.
- c. All on-site parking shall be paved.
- d. All parking lots shall conform to the landscaping and other requirements of Section 4.14(E)(6) of the Town's Zoning Ordinance II.
- e. All components of the project must conform to ADA standards for handicapped parking. This will be evaluated during site plan review; parking shown on the preliminary site plan may have to be revised to meet ADA standards.

#### ***11. Off-site parking facility***

- a. Adequate space on-site is not available to accommodate all event traffic. An eight acre, off-site parcel on Constitution Avenue will be used for overflow parking for events that may occur at the sportsplex. This parcel will be designed to accommodate 600 vehicles.
- b. The off-site parking area is not included in the P-D zoning district. It is located in an area zoned C-1. The Town Board hereby determines that the use of this site for overflow

parking and the use of the adjacent site (lots 7 and 8) for pedestrian only access, is an accessory use to commercial uses; as such it is a permitted use in the C-1 zoning district.

- c. The off-site parking facility is not contiguous to the site. A pedestrian access will be constructed through Lots 7 and 8 of the Cranberry Road townhouse development, which will continue through the on-site parcel that abuts Cranberry Road. This pedestrian accessway shall contain fencing to prevent pedestrians from wandering onto abutting properties. In addition, the pedestrian access shall contain a substantial amount of landscaping in order to reduce noise and light spill onto abutting properties. Adequate lighting for safety shall be provided, but lighting shall be at such height and level of intensity that it shall not spill onto the abutting properties. The pedestrian access shall be designed in such a manner that there is a clear separation from any vehicular traffic; adequate width for the number of anticipated users shall be provided.
- d. Prior to the site plan approval for any component that includes the sportsplex, the off-site parking area shall be developed. Developer shall provide evidence of ownership of all of aspects of the off-site parking lot, including the lot and the pedestrian connection on Kinley property. If developer does not own all components, then deed restrictions providing use of the areas for the anticipated life of the sportsplex shall be provided. The Town Clerk shall keep records of the above requirements.
- e. The off-site parking facility may be graveled. Any area that is not used for parking will remain vacant.

## ***12. Emergency Vehicle Access***

A connection with Castle Drive shall be made, to serve as emergency vehicle access only to the site. Prior to the construction of the first phase of the development, the developer shall discuss how access to this site at this location shall be controlled with the Fire Company, Town Highway Superintendent and Planning Board. Developer shall install barriers/control devices as agreed upon.

## **SUBDIVISION APPROVAL**

Prior to the issuance of the first building permit for any component of the development, the property owner shall apply for and receive subdivision approval from the Town's Planning Board to re-aggregate into one parcel all the tax map parcels that comprise the project site. This is necessary because the site layout has buildings and roads crossing parcel lines. If components of the project are subsequently sold off to other entities in the future, this will require additional subdivision approval; at the time of such approval appropriate agreements for cross easements for items such as access and drainage will be required.

EXHIBIT A