

## 3.8 Resource Use Patterns

### 3.8.1 Hunting, Fishing, Gathering

This section summarizes the traditional subsistence segment of Iroquoian northeast woodland culture with respect to hunting and fishing for food, and the gathering of flora and floral components (i.e. roots and bark) for wild vegetable foods, herbal medicines, and other uses (i.e. houses, rituals, tools, canoes, etc.). These traditional practices are compared to current NYSDEC regulations for hunting, fishing, and trapping. This section also compares the list of currently protected native plants relative to those traditionally gathered.

#### 3.8.1.1 Iroquoian Northeast Woodlands Culture

The northeast woodlands, in terms of comparing it to modern boundaries, includes what is now New England, the Atlantic States as far south as Virginia, the Ohio Valley, the five Great Lakes, and the Canadian territory about 100 miles north of Lakes Erie and Ontario. The northern region, which is Lake Superior to northern New England and Maritime Canada, contains forests of deciduous and coniferous trees such as spruce, pine, birch, beech, oak, maples, hickory, elm, basswood, and ash. It was from these trees that the Indians made an enormous variety of cultural and survival equipment that included housing, containers, canoes, bows and arrows, and ritual and subsistence equipment. Some of these trees also produce edible nuts, fruits, and sap that were utilized by the Indians (Smith, 2000).

The forests also provided habitat for game species such as bear, wolf, fox, moose, deer, and smaller game species and birds that were hunted and trapped by the Indians. The Indians caught several different species of fish from the lakes and streams, while shellfish were regularly harvested along the ocean shores. Numerous wild foods including rice, berries, onions, and water lily roots were harvested. In addition to these subsistence practices, the Indians also practiced horticulture and cultivated maize (corn), several types of beans and squash, and in some areas, tobacco (Smith, 2000).

Three basic subsistence archetypes existed among the northeast woodlands culture, the Indians were categorized as either hunting-gathering, mixed hunting/horticultural or exclusively horticultural. Most Indians shared maize cultivation; however, maize did not make up more than 50 percent of their diet and the balance came from game, fish, and wild plants that were present in more than sufficient numbers to supplement the cultivated component (Smith, 2000).

There are many variations in landform, drainage, climate, vegetation, and availability of natural resources in the northeast woodlands. All of these factors contributed to differences in the cultures of the various Indian societies that inhabited the northeast woodlands. Prior to sustained European colonization, there existed several sub-cultural

regions each reflective of a somewhat specialized ecological adaptation. The eastern Great Lakes of Ontario and Erie, upstate New York, and the central St. Lawrence Valley were considered to be a sub-cultural region and home to a number of Iroquoian speaking nations. There are nine Iroquoian speaking nations, one of which is the Nation. To further categorize these nine nations, the northern Iroquois classification is given to those Iroquois-speaking nations whom the English and French encountered in what is now northern New York State.

In the sub-cultural region, the northern Iroquois that includes the Seneca, Cayuga, Onondaga, Oneida, Mohawk, and later the Tuscarora engaged in maize horticulture as well as hunting, trapping, fishing, and harvesting wild vegetables. These people were primarily dependant on horticulture and lived in quasi-permanent, often palisaded villages located near their growing fields. In the springtime, they cleared the fields and planted while summer was devoted to tending the crops until late summer and early fall when they were harvested. Springtime was also considered to be fishing season. Fall marked the start of organizing annual communal deer hunts that lasted until about midwinter. Parties of men, sometimes accompanied by women, left the villages and set up temporary camps at various locations in hunting territories. People lived in multi-family dwellings known as longhouses that were constructed of curved sapling framework and covered with thick pieces of bark; the gathering of vegetation and woody material from the forests was primarily carried out by the women and children. Since the Iroquois practiced slash and burn/shifting cultivation, when the soils of the fields near their village were exhausted they moved their village to areas where the soils had been replenished generally every 10 to 15 years.

The northern Iroquois gathered flora and floral components to create herbal cures, but it was common practice to leave some of the plant behind for others as well as to continue propagation. When native herbalists gathered herbs, they would give thanks to the Creator and to the plant itself. Each healer had his or her own source of and unique set of uses for the herbs. Families living in one area might use an identical herb differently in comparison to another family living in a different area. However despite these variations, some common applications for readily available herbs emerged. Species identified by common name that were utilized for herbal cures include dandelion, golden-thread, common mullein, peppermint, plantain, raspberry leaves, red sumac, and white cedar (Nation, 2006).

### **3.8.1.2 Regulations on Hunting, Trapping, and Fishing and Protected Native Plants**

New York State encompasses millions of acres of terrestrial and aquatic habitat of hundreds of flora and fauna species. Opportunities for outdoor recreation such as hunting, trapping, and fishing are available on both public (i.e. New York State owned) and privately owned lands. Approximately two-thirds of the hunting in New York State occurs on private lands with more than 90 percent of all hunters engaging in this activity

on these private lands (New York State Department of Environmental Conservation, 2006a). The NYSDEC definition of to hunt is to “pursue, shoot, kill or capture (other than trap) wildlife....” while the definition of to trap is to “take, kill or capture wildlife with traps, deadfalls and other devices commonly used to take wildlife, including the shooting or killing of lawfully trapped animals” (New York State Department of Conservation, 2005-2006). Hunting is regulated under 6 NYCRR, Chapter I, Subchapter A, Parts 1-4 while trapping is regulated under 6 NYCRR, Chapter I, Subchapter B, Parts 5 and 6. Fishing occurs on more than 7,500 lakes and ponds, 50,000 miles of rivers and streams, and hundreds of miles of coastline in New York State (New York State Department of Environmental Conservation, 2006b). The NYSDEC definition of fishing is “the taking, killing, netting, capturing or withdrawal of fish by any means” (New York State Department of Conservation, 2004-2006). Fishing occurs both as a recreational activity as well as commercially in inland and coastal waters of New York State. Recreational fishing is regulated under 6 NYCRR, Chapter I, Subchapter’s C and D and commercial inland fisheries are regulated under 6 NYCRR, Chapter I, Subchapter E.

Under 6 NYCRR, Chapter II, Part 193, the NYSDEC maintains an extensive list of protected native plant species that are categorized as endangered, threatened, rare or exploitably vulnerable. The NYNHP prepared a rare plant status list in June 2005 that classifies plants into these four designations as well as the designation of unprotected. Although the NYNHP rare plant status list is not synonymous with the NYSDEC protected native plant species list, almost all of the rare plants that appear on the NYNHP list are also listed by the NYSDEC on its protected native plant species list. The main difference between these two lists is that the NYNHP list contains all plants that are rare and there are more plants on this list than on the NYSDEC list. The definitions of endangered, threatened, rare, exploitably vulnerable, and unprotected, and their relevance in terms of afforded legal protection by New York State are discussed in Section 3.5.3 Vegetation.

### **3.8.1.3 NYSDEC Hunting, Trapping and Fishing Regulations and Protected Native Plants on County Lands**

Individual permits are required by the NYSDEC to hunt and trap wildlife in New York State. Developed as an aid to hunters and trappers, the NYSDEC has developed guidelines that identify the different types of hunting and trapping activities and the wildlife species that can be captured by these activities; these categories of hunting and trapping activities include Small Game and Furbearer Hunting, Turkey Hunting, Migratory Game Bird Hunting, Furbearer Hunting, Furbearer Trapping and Big Game Hunting. Within these categories, specific rules and regulations were created by the NYSDEC that include the method, season, and number of animals that can be captured as well as the identification of illegal methods for hunting or trapping wildlife. Table 3.8-1 identifies the type of wildlife that can be legally hunted and/or trapped in Oneida and Madison Counties and the type of hunting and/or trapping activity that can be utilized to capture this wildlife.

**Table 3.8-1  
NYSDEC Hunting/Trapping Categories and Associated Faunal Species for Oneida  
and Madison Counties**

NYSDEC Fauna Groupings	Small Game and Furbearer Hunting	Turkey Hunting	Migratory Game Bird Hunting	Furbearer Hunting	Furbearer Trapping	Big Game Hunting
Hare	X					
Black, Gray, and Fox Squirrel	X					
Cottontail Rabbit	X					
Ruffed Grouse	X					
Pheasant	X					
Turkey		X				
Canada Goose			X			
Woodcock			X			
Snipe, Rail, and Gallinules			X			
Crows			X			
Coyote				X	X	
Raccoon, Red Fox, Gray Fox, Opossum, and Weasel				X	X	
Deer						X
Black Bear <sup>1</sup>						X
Skunk					X	
Fisher and Pine Marten <sup>2</sup>					X	
River Otter <sup>2</sup>					X	
Beaver					X	
Mink and Muskrat					X	

Note: <sup>1</sup>Black bear can only be hunted in the northeastern part of Oneida County and not in Madison County.

<sup>2</sup>Fisher, pine marten, and river otter can only be trapped in selected areas representing approximately 75 percent of Oneida County and not in Madison County.

The only two wildlife species that cannot be legally hunted or trapped in either Oneida or Madison Counties but can be legally hunted or trapped in other parts of New York State are the bobcat and the bobwhite quail. Hunters/trappers are required to report all wildlife killed to the NYSDEC, which is accomplished by filling out reports and carcass tags. Special NYSDEC deer regulations for CWD that are applicable to only Madison and Oneida Counties require additional regulatory control pertaining to the exportation of certain animal parts from the CWD containment area and the disposal of carcasses and parts as identified in 6 NYCRR Part 189. To summarize these regulations, the NYSDEC has identified that “the brain, eyes, spinal cord, tonsils, intestinal tract, spleen, or retropharyngeal lymph nodes, or any portion of such parts, of wild, captive, or captive-bred animals of the Genus *Cervus* or the Genus *Odocoileus* cannot be removed from the CWD containment area and must be disposed of in a landfill authorized pursuant to 6 NYCRR Part 360.”

A license is required by the NYSDEC in order to fish for recreational purposes at the inland water bodies located in Oneida and Madison Counties. For licensed recreational fishermen, the NYSDEC regulations identify the fish species that can be legally caught as well as the seasonal, size, and daily limit requirements for these species. There are general statewide angling and special fishing regulations that must be complied with when fishing in both Oneida and Madison Counties; these regulations pertain to the following fish species: trout, salmon, bass, muskellunge, northern pike, pickerel, walleye, yellow perch, sunfish, American eel, and lake sturgeon. All of these fish species can be legally caught and kept with the exception of lake sturgeon. Special NYSDEC fishing regulations for Oneida and Madison Counties, which are exceptions to the general statewide angling regulations, exist for trout, black bass, and walleye in specified water bodies. In addition to regulating these listed fish species in Madison and Oneida Counties, an individual with a fishing license can also take frogs and collect the following baitfish for personal use: minnows, mud minnows, darters, sticklebacks, stonecats, and suckers. In accordance with the NYSDEC regulations, unused bait as well as fish carcasses or by-products cannot be released or disposed of in any body of water.

Madison and Oneida Counties regulate the taking of bait fish with nets and the use of fish traps for commercial purposes. Regulated commercial fishing in New York State is allowed to occur only in Lake Erie, Lake Ontario, and the Hudson River. Since these three water bodies do not fall within the boundaries of Madison and Oneida Counties, regulated commercial fishing does not occur in the Study Area.

The only wild species of exploitably vulnerable fauna afforded specific protection by the NYSDEC for collection, conservation, and sale is ginseng (*Panax quinquefolius*). These protection regulations are found in 6 NYCRR, Chapter II, Parts 193.5 through 193.8. Restrictions on the season of collection, maturity of plant, calendar selling period, and certification for export sale outside of New York State for wild ginseng are contained within these regulations.

#### **3.8.1.4 Hunting, Trapping, Fishing, and Gathering on Nation Lands**

Although numerous big and small game species, furbearer species, and birds can be legally trapped and/or hunted in New York State on Group 2 and 3 lands, the Nation has designated parcels on only select Group 2 and 3 lands for hunting. Group 2 lands have approximately 2,235 acres designated as sites for hunting while Group 3 lands have approximately 1,993 acres under this designation for a total of 4,228 acres. This total acreage is slightly less than the acreage identified in Section 3.7.11 Community Infrastructure because designated hunting and fishing sites do not encompass the entirety of all Nation lands designated for hunting. In addition to the hunting designation, the Nation has designated a 21-acre parcel (Parcel 286) in Group 2 lands for the forestation of black ash.

Historically, the species of big game that have been hunted by the Iroquois include bear, wolf, fox, moose, and deer. Of these five species, only fox and deer can be legally trapped and hunted, respectively, in New York State. For the other three species, wolf is listed as extirpated by the NYSDEC and endangered by the USFWS, moose is a big game species that cannot be legally hunted anywhere in New York State, and bear can only be hunted in the northeastern part of Oneida County whose boundary is northeast of and beyond the limits of all Nation lands. Two of the five species (bear and wolf) represent one of the three Nation inherited matrilineal clan representations.

The only fish species afforded New York State protection is the lake sturgeon whose habitat is in Oneida Lake, which is located adjacent to Group 2 lands and is not designated as a fishing site by the Nation. The lake sturgeon is listed by the NYSDEC as a threatened species and is not Federally-protected. The Nation designated Group 2 lands that are traversed by Cowaselon Creek and Group 2 and 3 lands crossed by Oneida Creek as fishing sites.

The Nation uses several local plants for herbal cures. These plants are identified in Table 3.8-2 by common name, not by scientific name. The family and possible genera of plants that could potentially be known by these common names as obtained through a literature review are identified in Table 3.8-2. The purpose of this review was to determine if any species of plants that are currently listed by the NYNHP or the NYSDEC as endangered, threatened, rare or exploitably vulnerable could potentially be historically collected as part of the Iroquoian northeastern woodlands culture for herbal cures. A total of three plant species in the Family Labiatae (mint family) were identified as having this distinction, which include the yellow giant-hyssop (*Agastache nepetoides*), American dragonhead (*Dracocephalum parviflorum*) and gypsy-wort (*Lycopus rubellus*). The yellow giant-hyssop is listed as threatened in Oneida County, the American dragonhead is listed as endangered in Oneida County, and the gypsy-wort is listed as endangered in Madison County. It should be noted that the Nation specifically identified peppermint and not mint as an herb. However, since a breakdown of common named plants identified as peppermint could not be easily deciphered, a total of 38 genera had to be reviewed under the more conservative category of mint family.

The Nation creates cultural and survival tools from the parts of several tree species. The same type of review was done of these tree species as was done for the plant species discussed above in regards to the listing by the NYNHP or the NYSDEC and utilization by the Nation. A total of three tree species were identified as being listed as either threatened or rare. Specifically, cork elm (*Ulmus americana*) is listed as threatened in Oneida and Madison Counties, big shell bark hickory (*Carya laciniosa*) is listed as threatened in Oneida County, and Jack pine (*Pinus banksiana*) is listed as rare in Oneida County.

**Table 3.8-2  
Breakdown of Common Name, Family, and Genera of Herbal and Tree Species**

Common Name	Family(s)	Genera Included	Protected Genus and Species in Oneida and/or Madison Counties	New York State Status and County(s) of Occurrence
Dandelion	Cichoriaceae (Chicory)	Agoseris, Apargia, Cymbia, Cynthia, Krigia, Leontodon, Lygodesmia, and Taraxacum	None	N/A
Golden-thread	Ranunculaceae (Crowfoot)	Coptis	None	N/A
Mullein	Scrophulariaceae (Figwort) Labiatae (Mint) Caryophyllaceae (Pink)	Figwort Verbascum Mint Phlomis Pink Lychnis	None	N/A
Peppermint	Labiatae (Mint)	Agastache Ajuga Ballota Betonica Blephilia Clinopodium Collinsonia Cunila Dracocephalum Elsholtzia Galeopsis Glecoma Hedeoma Hyssopus Isanthus Koellia Lamium Leonurus Lycopus Marrubium Meehania Melissa Mentha Moldavica Monarda Nepeta Origanum Perilla Prunella Salvia Satureia Scutellaria Sideritis Stachys Synandra Teucrium Thymus Trichostema	Agastache nepetoides  Dracocephalum parviflorum  Lycopus rubellus	Oneida County - Threatened Oneida County - Endangered Madison County - Endangered
Plantain	Acanthaceae (Plantain) Compositae (Thistle)	Plantain Erigeron Mesadenia Peranium Plantago Pluchea Thistle Antennaria Heteranthera	None	N/A
Raspberry	Rosaceae (Rose)	Rubus	None	N/A
Red Sumac	Buxaceae (Sumac)	Rhus	None	N/A
White Cedar	Pinaceae (Pine, Conifers)	Chamaecyparis Thuja	None	N/A
Elm	Ulmaceae (Elm)	Ulmus	Ulmus thomasii	Oneida and Madison Counties - Threatened
Hickory	Saururaceae (Walnut)	Carya	Carya laciniosa	Oneida County – Threatened
Pine	Pinaceae (Pine, Conifers)	Pinus	Pinus banksiana	Oneida County - Rare

## 3.8.2 Agriculture

### 3.8.2.1 Regional Setting

Madison County has a wide variety of land forms that are suitable for agricultural uses. The most productive soils occur in the north-south trending valleys located in Madison County and the broad lake plain surrounding Oneida Lake, which is located in Madison and Oneida Counties (Madison County, 2005). Vegetable farms are typically found in the mucklands of the lake plain while dairy farms in the broad valleys of the Southern New York Appalachian Highlands (Madison County, 2005). The climate, soils, and topography of Madison County made ideal conditions for the rise of the hops industry in this area during the nineteenth century (Madison County, 2006). Oneida and Madison Counties ranked second and third, respectively, in New York State for hops production in 1879, a year in which New York produced more than 50 percent of the U.S. total hops production (Madison County Farmland Protection Board, 2005). The hops industry flourished in this county until competition from the western states and prohibition contributed to its downfall (Sullivan, 1927a). Elements of this industry including hops storage buildings and stone silos can be seen throughout Madison County.

The dairy industry evolved in Madison County as a result of the importation into the U.S. of the first Holstein-Frisian cattle by a local entrepreneur to provide fertilizer for the hop fields located in this area. The dairy industry eventually replaced hops as the dominant agricultural industry in Madison County; the county is currently ranked eighth in the State of New York for total dairy production. Vegetable production and its associated canning industry were important to Madison County and surrounding areas throughout the twentieth century. Important crops that have been grown in this county have included various beans, beets, corn, celery, onions, and potatoes. Onions were a particularly important crop and the area assumed the title of Onion Capital of the U.S. in the 1930's. While it is no longer the leading onion producing region, Madison County is still recognized as a prime onion and potato producer in the northeastern U.S. (Madison County Farmland Protection Board, 2005). Other important agricultural industries that have evolved in Madison County are the raising of horses for pleasure and racing, and the growth of cash crops throughout this area including the swamp land located in the northern portion of the county being utilized to produce mostly potatoes and onions (Madison County, 2006). Lastly, agri-entertainment or agri-tourism including hunting preserves, riding stables, and farm tours and events has the potential to be an important enterprise in Madison County.

Over the past 50 years, the agriculture sector has declined in Madison County despite its importance and currently only accounts for four percent of the total employment there. For example, between 1949 and 2002 the proportion of Madison County land area utilized for agriculture dropped substantially from approximately 75 percent to 40.1 percent (Madison County Farmland Protection Board, 2005). The wholesale, retail, and service industries have grown in the county and employment opportunities in the Cities of

Utica and Syracuse are provided to Madison County residents due to the proximity to these areas (Madison County, 2006).

The fertile soils of the Mohawk River and its tributaries have made the conditions within Oneida County suitable for many general, as well as special crops (Sullivan, 1927b). In addition, the opening of the Erie Canal in 1825 stimulated the planting of cash crops in Oneida County including grain, hops, cheese, and potash (Oneida County, 2002). Oneida County is currently a diverse agricultural county with dairy products, vegetables, cattle and calves, nursery and greenhouse products, grains, and dry beans being the leading products produced (New York Agricultural Statistics Service, 2005) Approximately two thirds of all agricultural production in Oneida County is currently attributable to the dairy industry (Oneida County, 2006b).

**3.8.2.2 Nation Lands**

Nation lands comprise 17,370 acres in 440 tax lots located in both Madison and Oneida Counties. The land use for approximately 172 tax lots was determined to be agricultural. As identified in Table 3.8-3, 21 of these tax lots comprising approximately 1,757 acres are categorized as Group 1 lands, 60 of these tax lots comprising approximately 3,918 acres are categorized as Group 2 lands, and 91 tax lots comprising approximately 7,149 acres are categorized as Group 3 lands as identified in Table 3.8-3. The land use for each of these tax lots was categorized utilizing general codes assigned by the NYSORPS. The NYSORPS defines agricultural lands as lands that are greater than 10 acres in size and have been actively utilized in the preceding two years for the production of agricultural products averaging \$10,000 or more in annual gross sales. This information was then cross-referenced with aerial and current site photography and field checked for accuracy. In other sections of this Draft EIS, different definitions of agricultural or farmlands may be utilized.

**Table 3.8-3  
Nation Agricultural Land Use by Acreage and Percentage**

Land Use	Group 1 Lands	Group 2 Lands	Group 3 Lands	Total
Acreage	1,757	3,918	7,149	12,824
Percentage	14	31	56	100

It should be noted that not all of the lands classified as agricultural in Table 3.8-3 are cultivated by Nation members. The Nation, like other land holders in the region, occasionally rent out their land for cultivation to other business enterprises in the area. Rental cultivation produces such crops as hay and corn for commercial sales.

The success of the Turning Stone Resort & Casino has provided the Nation with the funds necessary to invest in other business. One Nation enterprise of note is the production of Black Angus beef. The Nation currently owns the second largest herd in the northeastern U.S. as noted in Section 3.5.5.4 Livestock. The Nation also cultivates some of its lands for



commercial crops including barley, yellow corn, wheat, and oats as well as hay for livestock feed to the Nation's herd and other local cattle farmers as identified in Section 3.5.5.5 Crops. It should be noted that not only does the Nation use these lands for commercial agriculture but also as part of their cultural expression. A full discussion of this can be found in Section 3.7.11 Lifestyle and Cultural Values. The Nation's agricultural enterprises also serve to further its goal of economic diversification, as previously discussed in Section 3.7.5.2 Nation Enterprises.

### 3.8.2.3 Livestock

New York State produces livestock and poultry. In 2002, the State had an inventory of 1,453,365 cattle and calves, 579,216 hogs and pigs, 83,630 sheep and lambs, and 3,819,432 hens 20 weeks and older kept for laying eggs (layers). The market value of livestock, poultry, and their products produced approximately \$1.9 billion in New York State in 2002 (United States Department of Agriculture, 2002a). In 2002, the top livestock production in Madison and Oneida Counties included cattle and calves, sheep and lambs, horses and ponies, layers, and colonies of bees. At that time, Madison County produced 44,476 cattle and calves, 2,891 sheep and lambs, 2,203 colonies of bees, 1,313 horses and ponies, and 1,214 layers while Oneida County produced 47,064 cattle and calves, 2,590 layers, 2,006 horses and ponies, 1,605 colonies of bees, and 1,255 sheep and lambs (United States Department of Agriculture, 2002b).

The dairy industry is the dominant agricultural industry in Madison and Oneida Counties, as it accounted for 79 and 61 percent, respectively of the value of each county's total agricultural production in 2002. In Madison County, most dairy farms tend to be small in size and possess from 50 to 99 dairy cows (Madison County Farmland Protection Board, 2005). The sale of cattle and calves contributed an additional eight percent to the agricultural production in both Madison and Oneida Counties. Madison County's livestock production was valued at \$54,446,000 in 2002 leading to it be ranked 14<sup>th</sup> in New York State for total livestock production. In Oneida County, total livestock production was valued at \$55,738,000 and the county's livestock production was ranked 12<sup>th</sup> in New York State (United States Department of Agriculture, 2002a and 2002b; Madison County Farmland Protection Board, 2005).

The successful operation of the Turning Stone Resort & Casino and other enterprises has provided the Nation with the ability to reestablish traditional agricultural practices long associated with their lands. The Nation currently has the second largest Angus beef herd in the Northeastern U.S., with 90 percent being Black Angus. The herd consists of 520 Angus (205 breeding females, 47 percent registered with the American Angus Association), nine Angus bulls, and 600 boarded animals at its *Heifer Hotel* a custom cattle feeding and boarding operation. The beef produced by these herds is hormone and steroid free and is served at the Turning Stone Resort & Casino's Forest Grill Restaurant (Nation, 2004).

Several Nation lands are currently utilized for livestock production. As identified in Tables 3.5.5.-1 through 3.5.5.-5 (located in the Appendix K) and summarized in Table 3.8-4, there are 0 acres of Group 1 lands, approximately 1,069 acres of Group 2 lands, and approximately 1,193 acres of Group 3 lands that are currently utilized for livestock production. In addition, approximately 688 and 1,296 acres of Group 2 and 3 lands, respectively, are currently utilized for both the production of livestock and crops. The *Heifer Hotel* is located on Parcel 210 in Group 3 lands. The Nation is developing plans to construct an anaerobic digester system for the treatment and disposal of the Nation’s agricultural (manure) and food waste. This system will be on Nation lands currently utilized for livestock production (Parcel 210, Madison County).

**Table 3.8-4  
Nation Lands Utilized for the Production of Livestock and Crops**

Production	Group 1 Acres	Group 1 Percentage	Group 2 Acres	Group 2 Percentage	Group 3 Acres	Group 3 Percentage	Total Acres
Livestock	0	0	1,069	47	1,193	53	2,262
Crops	1,250	18	1,169	17	4,622	65	7,041
Both	0	0	688	35	1,296	65	1,984
Total	1,250		2,926		7,111		11,287

### 3.8.2.4 Crops

New York State produces a variety of crops. In 2002 the following crops were harvested: 450,664 acres of corn for grain; 543,579 acres of corn for silage or greenchop; 115,680 acres of wheat for grain; 67,032 acres of oats for grain; 12,569 acres of barley for grain; 562 acres of sorghum for grain; 4,189 acres of sorghum for silage or greenchop; 139,435 acres of soybeans for beans; 32,520 acres of dry edible beans (excluding lima beans); 22,094 acres of potatoes; 16 acres of sweet potatoes; 2,258,448 acres of all hay, haylage, grass silage, and greenchop; and 502 acres of sunflower seed. The market value of crops produced approximately \$1.1 billion in the State in 2002 (United States Department of Agriculture, 2002a).

In 2002, the top crop items produced in Madison and Oneida Counties included corn for grain, corn for silage (fodder prepared by storing and fermenting green forage plants in a silo), oats, all wheat for grain, and forage (land used for all hay and haylage, grass silage, and greenchop). At that time, Madison County produced 56,135 acres of forage, 16,616 acres of corn for silage, 10,552 acres of corn for grain, 2,226 acres of oats, and 1,165 acres of wheat for grain. Other crops harvested in Madison County include barley, vegetables, orchard fruits and nuts, berries, and nursery products. Lands used for the production of forage, corn, grains, and other crops accounted for 65 percent of all cropland acreage in Madison County in 2002 (Madison County Farmland Protection Board, 2005). Oneida County produced 66,178 acres of forage, 18,270 acres of corn for grain, 17,043 acres of corn for silage, and 3,489 acres of oats. Madison County’s crop production was valued at \$7,439,000 leading it to be ranked 36<sup>th</sup> in New York State. In

Oneida County, crop production comprised \$22,632,000 of agricultural products sold in 2002 and ranked 17<sup>th</sup> in New York State for this production (United States Department of Agriculture, 2002b).

The Nation currently grows their traditional crops such as the Three Sisters (white corn, beans, and squash), pumpkin, and tobacco on some of the Group 3 lands in Madison County (Parcels 133 and 211). The Nation Garden, which is used for the production of the Three Sisters, is located on Parcel 211. These crops (particularly white corn on Parcel 133) are now used in ceremonies by members of the Nation and are provided to other neighboring tribes such as the Seneca. Through the Nation's children and elders programs, traditional recipes and ceremonial uses for white corn and other crops are being taught to Nation children ensuring the preservation of significant cultural knowledge and practices for future generations. After years of trial and error cultivation attempts, the Nation has established a strain of white corn that closely matches the form used by their ancestors. This form is significant to the Oneida not only as a source of food but for ceremonial purposes as well. Historically, it is reported that this same strain of white corn was transported by the Oneida to Valley Forge during the Revolutionary War in order to feed Washington's starving troops during winter. The Nation makes this strain of white corn available to other Iroquois Tribes for their own cultivation as well. The Nation's ownership of particularly Group 3 lands (in Madison County) for the cultivation of their traditional food and ceremonial crops is therefore a significant element associated with the use of these lands.

The Nation also grows the following non-traditional crops: 300 acres of barley, 1,000 acres of yellow corn, 200 acres of wheat and oats, 800 acres of hay for bales, and 180 tons of haylage. These crops (particularly corn) are currently utilized in the Nation's custom feeding cattle operation and its animal feeding program, with remaining crops sold to local farmers (Nation, 2004).

Several Nation lands are currently used for crop production. As identified in Tables K-4 through K-6 in Appendix K and summarized in Table 3.8-4, there are approximately 1,250 acres of Group 1 lands, 1,169 acres of Group 2 lands, and 4,622 acres of Group 3 lands that are currently utilized for crop production. In addition, there are 0 acres of Group 1 lands, approximately 688 acres of Group 2 lands, and approximately 1,296 acres of Group 3 lands that are currently utilized for both the production of livestock and crops.

### **3.8.3 Mining**

#### **3.8.3.1 Introduction**

This section describes the current mining activities in the Study Area, which is defined as Madison and Oneida Counties. Such activities may play an important role in economic development and land use in the area. Oil and gas resources found in the Study Area are

also identified in this section. All data and statistics used in this section are from the NYSDEC Division of Mineral Resources Mining Database or Wells Database.

As described in Section 3.2.3 Geological Setting and Mineral Resources, the primary available resources in the Study Area are crushed stone, limestone, salt, construction sand and gravel, and zinc (New York State Department of Environmental Conservation, 2006). Eighty four percent of the mines listed in the NYSDEC's Mining Database are sand and gravel mines that are used for road and building construction purposes. Ninety one percent of the permitted mines in the Study Area are listed in the NYSDEC's Mining Database as sand and gravel mines.

While oil and natural gas production occurs in New York State, it is generally limited to the southwestern portion (Southern Tier). In 2003, 36 billion cubic feet of natural gas and 157,313 barrels of oil were produced in New York State. However, the number of active wells in Madison and Oneida Counties represents less than 0.5 percent of all active wells located in New York State.

### 3.8.3.2 Mining Operations

The current mining operations in Madison and Oneida Counties include sand and gravel, limestone, granite, industrial sand, and topsoil. There are 17 active mines located in Madison County and 63 active mines located in Oneida County. Most of the active mines located in Madison and Oneida Counties are sand and gravel mines; there are 15 active sand and gravel mines located in Madison County and 58 active sand and gravel mines located in Oneida County. Figure 3.8-1 identifies all mining operations in the Study Area.

Figure 3.8-1 also shows all mining/quarry operations located in the Study Area including on Nation lands. The majority of mining/quarry operations in Oneida County occurs north of the Erie Canal and is not located near Nation lands. In Madison County, approximately one half of all of the mines listed in the NYSDEC Mining Database are located south of any of the Nation lands. Three mining/quarry operations located in Madison and Oneida Counties are conducted on Nation lands. According to the NYSDEC two of these operations are no longer active and one of these operations, Pratts Sand and Gravel, has been given a temporary status code indicating that this quarry may not be regulated.

Pratts Sand and Gravel is typically open from 7:00 AM to 3:00 PM on Monday through Friday and from 7:00 AM to 12:00 PM on Saturday. There is on-site separation of various materials extracted from the quarry and the Nation's erosion and sediment control policy requires that all materials stored at the quarry are bermed and that all stormwater flow is diverted to sediment control facilities. The Nation has also implemented the following erosion control measures: a stabilized entrance to reduce or eliminate sediment on Pratts Road, drainage swales to reduce any stormwater runoff, rock check dams to reduce erosion, sediment traps, and retention ponds. Additionally, during regularly

scheduled maintenance checks, sediment is removed from sediment traps and ponds when their capacity reaches fifty percent.

A response to a Freedom of Information Law (FOIL) request to the NYSDEC for further information regarding this mining/quarry operation was received in August 2006. The documentation included in this response included records of NYSDEC correspondence regarding the quarry dated both prior and subsequent to the Nation's acquisition of the quarry in July of 1997. A NYSDEC Mined Land Reclamation permit for operation of the sand and gravel mine has not been in place since July 30, 1995. NYSDEC correspondence dated prior to the Nation's acquisition of the quarry was addressed to the quarry's previous owners. This correspondence includes, but is not limited to, applications for Mined Land Reclamation permits and permit renewals, NYSDEC Mined Land Inspection Reports, and NYSDEC notification that the site's Mined Land Reclamation permit had expired on July, 30, 1995 and would not be re-issued due to regulatory fees owed to the NYSDEC. Correspondence dated subsequent to the Nation's acquisition of the quarry includes, but is not limited to, a press release indicating that Madison County had served notices on the Nation, on May 3, 2001, advising the Nation against despoliation of its lands in Madison County against which the county has filed delinquent tax liens. The notices specifically refer to the site of Pratts Sand and Gravel. According to Madison County, despoliation of the site would include continued mining of sand or gravel at the site or demolition of any buildings on the site. The Pratts Sand and Gravel operation is located on a Group 2 lands (Parcel 94). Sand and gravel resources extracted from this quarry have almost exclusively been used as fill and grading material for construction and improvement projects at the Turning Stone Resort & Casino. A small amount of this material is also sold into the local and regional marketplace. The two inactive sand and gravel quarries are located on Group 3 lands (Parcels 228 and 291).

### 3.8.3.3 Natural Energy Operations

Current oil and gas operations located in the Study Area include 20 active wells in Madison County and two active wells in Oneida County, which is a very small percentage of the 10,254 active wells in New York State. The lack of active wells in Madison and Oneida Counties is mostly due to the fact that the producing geologic formations and necessary geologic structures are more prevalent in the Southern Tier of New York State. All wells located in Madison and Oneida Counties are shown in relation to Nation lands in Figure 3.8-2; this figure shows active wells, exploratory wells, and inactive wells. Further information from the NYSDEC Wells Database including well ownership, well type, well depth, producing formation, and permit status is identified in Appendix B.

Three oil and gas wells located in Madison and Oneida Counties are located on Nation lands. According to the NYSDEC, all of these oil and gas wells were wildcat wells, meaning they were exploratory wells drilled in land not known to be an oil field. Of the three wells, two are leased to non-Nation members while one is under the control of the

Nation. Two of the three wells have been decommissioned and capped by a third party contractor in keeping with NYSDEC policy. The third well has been determined to also be capped and decommissioned in keeping with NYSDEC policy.

Based on the NYSDEC database, none of the oil and gas wells that are located on Nation lands appear to have been productive. One well is located on a Group 2 land (Parcel 140) and two of the wells are located on Group 3 lands (Parcels 131 and 235). None of these wells are in operation by the Nation; they do not represent part of their non-gaming business enterprise base.

#### **3.8.3.4 Regulatory Framework**

The regulatory framework for mining and oil and gas production within New York State is identified below.

##### ***Federal Regulations***

The following parts of C.F.R. Title 30 – Mineral Resources are the Federal regulations for mining and oil and gas production:

- Parts 1-199 (Chapter I) – Regulated by Mine Safety and Health Administration, U.S. Department of Labor;
- Parts 200-299 (Chapter II) – Regulated by Minerals Management Service, U.S. Department of the Interior;
- Parts 300-399 (Chapter III) – Regulated by Board of Surface Mining and Reclamation Appeals, U.S. Department of the Interior;
- Parts 400-499 (Chapter IV) – Regulated by Geological Survey, U.S. Department of the Interior; and
- Parts 700-999 (Chapter VII) – Regulated by Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior.

##### ***New York State Regulations***

The following are the New York State regulations for mining and oil and gas production:

- NYCRR, Title 6 Parts 550-559 (6 NYCRR Parts 550-559) - oil, gas, and solution mining;
- NYCRR, Title 6 Parts 420-426 (6 NYCRR Parts 420-426) – mining and mined land reclamation; and
- Article 23, Title 27 of the Environmental Conservation Law of New York State.

#### **3.8.4 Recreation**

##### **3.8.4.1 Introduction**

This section describes public recreational resources located in Madison and Oneida Counties, which is identified as the Study Area. An overview of recreational uses of Nation-owned lands within the Study Area is also provided. The National Park Service

and the NYSDEC web sites were reviewed in developing this section. The public recreational resource categories represented below were largely developed by consulting the Draft New York State Open Space Conservation Plan 2005, November 2005. This document's assessment of resource categories formed the basis of the following classification system for regional recreational resources:

- New York State parks, forests, and natural areas (see Section 3.9.1 Wilderness for a definition of these areas);
- Public golf courses;
- Public water bodies, fishing areas, boat launch sites, and marinas;
- Public school facilities (i.e. baseball fields, tennis courts, etc.); and
- Other local resources (i.e. county parks, picnic sites, etc.).

The Nation's recreational resources are designed for all public use. The Nation's recreational resources are categorized into the Groupings. Within the Groupings, these resources are classified similarly to public recreational resources (i.e. parks, golf courses, etc.).

Recreational lands are classified as passive and active. Passive recreational lands are distinguished by the open-space aspect of the land and feature low levels of nearby development. Examples of passive recreational lands include wildlife areas, hiking trails, and picnic grounds. Active recreational lands, conversely, are generally intensively developed areas that cater to team activities like soccer and baseball. It should be noted that additional private recreational resources exist in Oneida and Madison Counties, but these are not included in this discussion. The recreational resources discussed in this section are accessible to the general public without the need for membership in private groups or societies.

In a letter from Oneida County Department of Law to Malcolm Pirnie dated August 15, 2006, information on recreational facilities was provided. The New York State recreation facilities discussed above that are located within Oneida County are not maintained by the county. Other public recreational facilities located within Oneida County are operated or maintained by the municipality in which they are located.

#### **3.8.4.2 Regional Context**

As indicated through its Comprehensive Plan Report, communities like the Town of Vernon believe that, "One of the most critical components in maintaining and enhancing a community's quality of life is its system of parks, recreation, and open space." Typical of New York State in general, the counties have traditionally conserved and managed open spaces and recreational resources for its citizens. The following is by no means an exhaustive discussion of all of the indoor and outdoor recreational resources available to

the citizens of Madison and Oneida Counties; rather it highlights prominent public recreational resources that characterize the area.

#### **3.8.4.3 New York State Parks, Forests, and Natural Areas**

There are numerous New York State parks, forests, and natural areas located within the Study Area. There are eleven New York State forests, four parks, one unique area, and one wildlife management area located in Madison County. These areas are identified below:

- Beaver Creek State Forest
- Brookfield Railroad State Forest
- Charles E. Baker State Forest
- Chittenango Falls State Park
- Delta Lake State Park
- Deruyter Lake State Park
- Earlville State Forest
- Groton Lake State Forest
- Lebanon State Forest
- Morrow Mountain State Forest
- Muller Hill State Forest
- Nelson Swamp State Unique Area
- Old Erie Canal State Park
- Stoney Pond State Forest
- Texas Hill State Forest
- Three Springs State Forest
- Tioughnioga State Wildlife Management Area

There are three New York State parks located in Oneida County. These parks include Boonville Gorge State Park, Verona Beach State Park, and Adirondack State Park (partial).

A number of the New York State parks, forests, and natural areas feature hiking and nature trails, camping, boating, swimming, and wildlife viewing. These lands are in greatest use in the summer months, but may also be accessed during the winter. Visitors include local county residents and tourists seeking outdoor recreation (New York Tourism Website). Given its proximity to the Finger Lakes, Lake Ontario, and the Adirondack Mountains, Madison and Oneida Counties often attract visitors traveling to and from these areas. The recreational areas in this area of New York State include a number of educational programs, festivals, and family programs.

#### 3.8.4.4 Public Golf Courses

Madison and Oneida Counties feature more than 20 public golf courses. Four of these golf courses are located in Madison County and include the Casolwood Golf Course, Rouges' Roost Golf and Country Course, Sky Ridge Golf Course, White Eagle Conference Center, and Woodcrest Golf Course. The remaining public golf courses are located in Oneida County and include the five owned by the Nation. The public golf courses located in Oneida County include the following:

- Alder Creek Golf Course
- Atunyote Golf Course
- Barker Brook Golf Course
- Birdies, Eagles, and Ducks Public Golf Course
- Camroden Golf Course
- Crystal Springs Golf Course
- Delta Knolls Golf Center
- Golf Knolls
- Kaluhyat Golf Course
- Oriskany Hill Golf Course
- Pleasant Knolls Golf Course
- Sandstone Hollow Golf Course
- Shenendoah Golf Course
- Sleepy Hollow Golf and Country Course
- Valley View Municipal Golf Course
- Westmoreland Golf Course
- Crestwood Golf Course
- Sauquoit Knolls Golf Course
- Sulpher Springs

#### 3.8.4.5 Public Water Bodies, Fishing Areas, Boat Launch Sites, and Marinas

There are more than 20 water bodies located in Madison and Oneida Counties. In the summer months, these water bodies are utilized for boating, fishing, swimming, and water sports while in the winter months, some of these areas are used for ice fishing and ice skating. Oneida Lake is the largest of these water bodies, with a surface area of 79 square miles. The six large water bodies located in Oneida County include Delta Lake, Fish Creek, Forestport Reservoir, Little Long Lake, Mohawk River/Barge Canal, and Oneida Lake. The remaining large water bodies located in Madison County are listed below:

- Black Creek

- Campbell Lake
- Cazenovia Lake
- Chittenango Creek
- Eaton Brook Reservoir
- Lebanon Reservoir
- Madison Reservoir
- Miller Lake
- Nichols Pond
- Oxbow Falls
- Sunset Lake
- Upper Leland Pond
- Oneida Lake

#### **3.8.4.6 School Facilities**

There are more than 60 public schools located in Madison and Oneida Counties that have outdoor areas dedicated to recreation. These areas include, but are not limited to, baseball fields, soccer fields, basketball courts, picnic grounds, playgrounds, and open spaces. One of the largest recreational resource areas is located at Vernon-Verona-Sherrill High School (Public Schools Report: Town of Verona Land Use Plan, 1996). Depending on the school's policies for local resident use of recreational facilities, outdoor fields, for example, may only be available after school, on weekends or during summer months.

#### **3.8.4.7 Other Local Resources**

Madison and Oneida Counties have numerous local parks, open spaces, and trail ways. For example, the State Barge Canal Recreation Corridor crosses through Oneida County, extending from the City of Rome to an outlet at Oneida Lake. Also, a New York Statewide Class 3 bike route follows New York Route 5 through parts of Oneida County (Town of Verona Land Use Plan, 1996: Town of Verona Comprehensive Plan Report – Vol. 1, 2005). Madison and Oneida Counties also feature the following:

- Mini parks - The smallest park type; typically less than one acre in size and usually offering a playground and/or a seating area.
- Neighborhood parks - Typically these parks range from seven to 10 acres and provide a variety of active and passive recreation opportunities.
- Community parks - These parks are a primary building block of most county systems and they provide a full array of recreation activities, including league play athletics. The approximate size of most community parks is 30 to 50 acres.
- Sports complexes - A sports complex is designed for heavily programmed athletic use. A sports complex is usually a minimum of 25 acres in size with 40 to 80 acres

preferred (NRPA, “Park, Recreation, Open Space and Greenway Guidelines”, 1995).

#### **3.8.4.8 Recreation on Nation Lands**

Recreational uses of Nation-owned lands are presented by the Groupings. These recreational uses are classified as natural areas, golf courses, water resources, and others. This classification is based on the primary uses of Group 1, 2, and 3 lands. Additional properties may be used for recreational purposes, but their primary use is not recreational in nature and, therefore, these properties are not discussed in this section. For example, a property may occasionally be used for picnicking or sporting activities but its primary classification may be agricultural. Land use data provided by the Nation was utilized for this section. This data includes primary, secondary, and tertiary land use classifications.

Recreational uses of Nation lands promote the health and well-being of Nation members by offering outlets for both physical activity and a connection with the natural environment. These uses promote active recreation like golf, tennis, and lacrosse, as well as passive recreation like hunting, fishing, walking, and bird watching. Lands set aside for passive recreation have other benefits to Madison and Oneida Counties and this region of New York State such as the preservation of habitats and biodiversity, as well as supporting the Nation’s cultural practices.

The Nation utilizes Group 1, 2, and 3 lands for recreational uses; however, most of these lands are located in Groups 1 and 2. The recreational uses of Group 1 lands are predominately golf courses and related facilities (i.e., club houses, golf dome); of Group 2 lands include a number of Nation member activities including boating, fishing, hunting, picnicking, and athletics (the Nation Gym); and of Group 3 lands are for mostly passive outdoor recreational activities. The recreational uses of Group 1, 2, and 3 lands are discussed in detail below.

#### **Group 1 Lands**

As shown in Table 3.8-5, recreational uses on Group 1 lands include five golf courses and a golf academy at the golf dome that are part of the Turning Stone Resort & Casino. The five Nation golf courses include the 18-hole Atunyote Golf Course designed by Tom Fazio with its own driving range, short game area, and putting green; the 18-hole Kaluhyat Golf Course designed by Trent Jones, the 9-hole Pleasant Knolls Golf Course, the 9-hole Sandstone Hollow Golf Course designed by Rick Smith, and the 18-hole Shenendoah Golf Course designed by Rick Smith. The golf courses feature hills, wooded and open terrain, wetland areas, and tree-lined fairways; their landscapes emphasize the natural environment and were designed to appeal to golfers with different skill levels and course preferences. Green fees vary at the Nation’s golf courses with the highest fees at the Atunyote Golf Course and the lowest fees at the Pleasant Knolls Golf Course. Recreational uses on Group 1 lands are located on 18 parcels owned by the Nation totaling approximately 874 acres.

**Table 3.8-5  
Recreational Resources on Group 1 Lands**

Recreational Resources	Parcel Location	Acres
Atunyote Golf Course	140, 240, 272, 298	230
Golf Dome	192	7
Kaluhyat Golf Course	273	249
Pleasant Knolls Golf Course	154	60
Sandstone Hollow Golf Course	10	60
Shenendoah Golf Course	8, 9, 10, 13, 19, 44, 45, 51, 66, 74	268

**Group 2 Lands**

As shown in Table 3.8-6, recreation resources located on Group 2 lands vary and include marinas, outdoor recreational lands, and the Nation Gym. Snug Harbour and Marion Manor Marina are located on Oneida Lake and provide Nation members and the general public (for a fee) opportunities for boating, swimming, and water sports. The Nation Gym is located on Parcel 3, immediately adjacent to the 32 acres and features a full-size basketball court that can be used for various indoor games. Lacrosse, a traditional Iroquois game, is practiced by the Nation members at the Nation Gym and on other Nation-owned lands. Recreational uses on Group 2 lands are located on 13 parcels owned by the Nation totaling approximately 300 acres.

**Table 3.8-6  
Recreational Resources on Group 2 Lands**

Recreational Resources	Parcel Location	Acres
Peaceful Pines Campground	264	90
Pasture A	2	42
Festival Site A	75, 76	34
Member Boating and Recreational Facilities A	215, 216, 217	3
Snug Harbour Marina	256, 327	26
Marion Manor Marina	145	18
Outdoor Recreational Lands A	91	60
Outdoor Recreational Lands B	332	19
Nation Gym	3	8

**Group 3 Lands**

As shown in Table 3.8-7, Group 3 lands feature two outdoor recreational areas designated by the Nation. These lands are set aside for recreation uses such as hunting, fishing, picnicking, bird watching, and walking. Recreational uses on Group 3 lands are located on two Nation lands totaling approximately 279 acres.

**Table 3.8-7  
Recreational Resources on Group 3 Lands**

Recreational Resources	Parcel Location	Acres
Outdoor Recreational Lands C	220	158
Outdoor Recreational Lands D	221	121

### 3.8.5 Transportation

#### 3.8.5.1 Introduction

The purpose of the traffic analysis is to document the traffic activity associated with existing Nation lands and to subsequently, in Section 4.0 Environmental Consequences, assess the potential increase in traffic associated with future development.

#### **Study Area Description**

The Nation currently possesses over 17,000 acres of land, scattered throughout Madison and Oneida Counties in the central region of New York State. The individual tax lots acquired by the Nation (the Study Area) range in size from 0.13 acres to over 329 acres and are located within the City of Oneida (pop. 10,900), the City of Sherrill (pop. 3,150), the surrounding Village of Canastota, and the surrounding Towns of Augusta, Cazenovia, Fenner, Lenox, Lincoln, Smithfield, Stockbridge, Sullivan, Vernon, Verona, and Vienna. The Study Area for the traffic analysis is shown on Figure 3.8-3.

Major roadways located in the Study Area include the following:

- NYS Route 13 - A north-south major collector through the Towns of Lenox, Verona, and Vienna.
- NYS Route 31 - An east-west minor arterial (western portion of Study Area) and a north-south major collector (eastern portion of Study Area) through the Towns of Sullivan, Lenox, Verona, and Vernon.
- NYS Route 365 - An east-west major collector (adjacent to the Turning Stone Resort & Casino area) to the west of Turning Stone Boulevard and an east-west principal arterial (north of I-90) through the Towns of Oneida and Verona.
- NYS Route 5 - An east-west minor arterial through the Town of Lenox, Cities of Oneida and Sherrill, and Town of Vernon
- NYS Route 46 - A north-south minor arterial through the Town of Stockbridge, City of Oneida, and Town of Verona.

The Turning Stone Resort & Casino is bordered by NYS Route 365 to the northwest, NYS Route 31 to the northeast, Patrick Road to the southwest, and Beacon Light Road to the southeast. These roadways are described in more detail below:

- NYS Route 365 is a four-lane divided highway that is oriented east-west in the vicinity of the Turning Stone Resort & Casino. The roadway consists of 12-foot

- travel lanes and shoulders that range from four to eight feet in width. There is a grass median of varying width with sections of a box beam median barrier adjacent to intersections. The posted speed limit in the project area is at 55 MPH.
- NYS Route 31, between Beacon Light Road and NYS Route 365, is a major collector, oriented in a north-south direction, with 12-foot travel lanes and eight-foot wide shoulders. The posted speed limit is 55 MPH at Beacon Light Road but changes to 40 MPH as the roadway approaches NYS Route 365.
  - Patrick Road and Beacon Light Road complete the southern boundary of the Resort area. Beacon Light Road consists of two 11-foot wide travel lanes and two 2-foot shoulders and is posted at 45 MPH. Patrick Road consists of an 11 foot shared through and left turn lane and an 11-foot dedicated right turn lane and is posted at 40 MPH.

The following descriptions of the detailed Study Area intersections include geometry and intersection traffic control. There are no pedestrian accommodations at the study intersections. The signalized intersections along NYS Route 365 are owned and operated by the New York State Department of Transportation (NYSDOT).

- NYS Route 365 and Patrick Road/Willow Place is a four-leg, signalized intersection. Both legs of NYS Route 365 consist of a nine-foot wide dedicated left turn lane, a 12-foot wide through lane, and a 12-foot wide shared through/right turn lane. The median on NYS Route 365 is 11 feet wide as it approaches the intersection. Patrick Road, the south leg of the intersection, consists of an 11-foot wide dedicated right turn lane and an 11-foot wide shared through/left turn lane. Willow Place is opposite Patrick Road and all turning movements share one travel lane.
- NYS Route 365 and Turning Stone Boulevard (main entrance to the Turning Stone Resort & Casino) is a three-leg, signalized intersection just east of the Patrick Road intersection with NYS Route 365. The west approach of NYS Route 365 is approximately 40 feet wide and is made up of two through lanes and a channelized right turn lane. The east approach is 35 feet wide and consists of two through lanes and a dedicated left turn lane. The south approach to the intersection, Turning Stone Boulevard, is approximately 35 feet wide and consists of dedicated right and left turn lanes.
- NYS Route 365 and I-90 Exit 33 is the next intersection to the east of Turning Stone Boulevard. It is a three-leg, signalized intersection. The eastbound and northbound right turn movements are accommodated by slip ramps to and from the Exit 33 toll plaza. These movements are not included in the operations of this traffic signal. The west approach of NYS Route 365 includes two 12-foot wide through lanes and the east approach consists of two 12-foot wide travel lanes and an 11-foot wide dedicated left turn lane. The south approach from the Exit 33 toll plaza is a 15-foot wide dedicated left turn lane.
- NYS Route 365 and NYS Route 31 is a signalized, four-way intersection approximately one mile east of the intersection of NYS Route 365 and I-90 Exit 33. The north and south approaches on NYS Route 31 each consist of a shared through/left turn lane and a channelized right turn lane. The west approach on

NYS Route 365 is approximately 55-foot wide and consists of two through lanes, a dedicated left turn lane, and a dedicated right turn lane. The east approach is approximately 35 feet wide and consists of two through lanes, a dedicated left turn lane, and a channelized right turn lane.

- NYS Route 31 and Beacon Light Road/Sarenski Road is a four-leg, unsignalized intersection. Beacon Light Road and Sarenski Road are the minor approaches and stop-controlled. There are no dedicated turn lanes on any of the approaches. The north and south approaches on NYS Route 31 each consist of one 12 foot wide lane from which all movements are made. The east approach on Sarenski Road is 10-feet wide, and the west approach on Beacon Light Road is 11 feet wide with each approach consisting of one lane.

### **General Methodology**

Due to the size of the Study Area, the methodology includes two different levels of analysis. The majority of Nation lands are analyzed in a broad planning level of detail. This analysis uses Transportation Analysis Zones (TAZs), a geographic breakdown of the Study Area for analysis purposes. Specific Nation land use data (Nation, 2005) and ITE Trip Generation rates were used to determine the number of Nation related trips that begin and end in each TAZ. The number of Nation trips was then compared to the average daily traffic on major roads serving the TAZ to assess how much of the total traffic in the area is related to Nation activities.

In the vicinity of the Turning Stone Resort & Casino, a more detailed traffic analysis was conducted. Existing volume, geometric, and signal data were collected by C&S Engineers Inc. to develop and calibrate a traffic model. This model was then used to evaluate the operating conditions on major roads and intersections in the vicinity of the Turning Stone Resort & Casino.

Two additional analyses were conducted to evaluate existing operations. A safety analysis was conducted to determine if there are any deficiencies in the Study Area that could be addressed with physical improvements. The safety analysis is based on existing traffic conditions and deficiencies are not associated with any existing or potential future activities on Nation lands. The second analysis is a study of the toll plaza at Exit 33 of I-90 to determine the current effectiveness of the plaza during a special event at the Turning Stone Resort & Casino, and to determine what, if any, mitigation may be needed to accommodate future traffic demands.

### **Previous Studies**

The NYSDOT has completed, or is currently in the process of completing, two transportation improvement projects adjacent to the Turning Stone Resort & Casino. These projects include the PIN 2038.28 and PIN 2038.29. PIN 2038.28 is the NYS Route 365 at I-90 Intersection Improvement Project. For this project, there are proposed improvements to NYS Route 365 including its intersections with Patrick Road/Willow Place, Turning Stone Boulevard (the main entrance to the Turning Stone Resort & Casino)

and I-90 Exit 33. This project indicated the need for the construction of additional turn lanes, new traffic signal systems, new overhead signing and median improvements. These improvements were recommended based on existing conditions, proposed development in the area including Verona Greens, and possible future development. This improvement project is currently on hold and is expected to remain so indefinitely. PIN 2038.29 is the NYS Route 365/NYS Route 31 Intersection Improvements Project, which is currently in its final design phase. This project includes intersection approach widening and traffic signal improvements to address capacity and safety issues identified by the NYSDOT.

### **3.8.5.2 Transportation Analysis Zones**

A planning level analysis was conducted to determine how the traffic generated by parcels owned by the Nation currently affects the adjacent roadways and how future development on these properties may impact the traffic operations and conditions of these roadways. The Nation owns land that spans across Madison and Oneida Counties in two cities, one village, and 11 different towns. In order to analyze the broad Study Area individual TAZs were created, each of which contains some of the parcels owned by the Nation. Due to their isolated locations and negligible traffic generation, a few parcels owned by the Nation were not included in the analysis. TAZs are created by encompassing groups of properties bounded by roadways and include a major roadway with known or collected traffic control.

The TAZ map created for the purposes of this analysis is included in Appendix F. Table 3.8-8 summarizes the TAZs by area and shows the percentage of the total area of each TAZ that are Nation lands.

### **3.8.5.3 Existing Conditions Methodology - 2005-2006**

Current land use information (Nation, 2005) and ITE Trip Generation (Institute of Transportation Engineers Trip Generation Manuals, 7<sup>th</sup> Edition) were used to estimate average trip vehicle trips for Nation lands (refer to Appendix F). These rates were then consolidated to determine the total number of Nation related trips that begin and end in each TAZ. The trip generation rates were determined from the nationally accepted standard, the Institute of Transportation Engineers (ITE) Trip Generation Manuals, 7<sup>th</sup> Edition. This traffic generated by Nation lands was then compared to the total traffic volumes using the major roadways contained in each TAZ in order to determine how much of the traffic traveling through the Study Area is currently related to Nation lands. Traffic volume data was collected by C&S Engineers, Inc. during the winter of 2005/2006. If due to seasonal variations typical traffic data could not be collected, the most recent NYSDOT traffic data (2004 Traffic Data Report for New York State) was used for that roadway.

**Table 3.8-8  
TAZ Area Information**

TAZ ID	Total TAZ Area (square mile)	Area of Nation Lands (square mile)	Percentage of Total TAZ Area that is Nation Owned
1	19.6	6.20	32
2	13.3	4.00	30
3	8.4	2.87	34
4	15.8	1.07	7
5	17.7	1.86	11
6	7.3	0.41	6
7	6.7	0.61	9
8	15.9	0.96	6
9	14.1	0.08	1
10	29.7	5.50	19
11	21.6	2.98	14
NO TAZ <sup>1</sup>		0.59	
TOTALS	170.10 (108,800 acres)	27.13 (17,370 acres)	16 <sup>2</sup>

Note: <sup>1</sup>Parcels that are identified as NO TAZ are isolated in remote locations and generate negligible vehicle trips.

<sup>2</sup>The table notes that of the 170 acres included in the Study Area shown on the TAZ map, 27 acres or 16 percent of the 170 total acres are owned by the Nation.

Source: C&S Engineers, Inc.

#### 3.8.5.4 Traffic Volumes

Automated traffic recorder (ATR) counts were conducted over a 24-hour period on the five major roadways mentioned above in December 2005 and January 2006. Figure 3.8-4 shows the approximate locations of the ATRs with the Average Annual Daily Traffic (AADT) and peak hour data calculated. The roadways to be analyzed were verified with the NYSDOT and traffic data were collected on these routes with their cooperation. The ATR locations are described in more detail below:

- NYS Route 13 (TAZ 6) – ATR counts were conducted on NYS Route 13 north of NYS Route 31 in the Town of Lenox. This location is south of the Village of Sylvan Beach and the Hamlet of Verona Beach. NYS Route 13 is posted for 55 MPH and consists of two 12-foot wide travel lanes and two eight foot wide shoulders.
- NYS Route 31 (TAZ 6) – Traffic count data was collected in two locations on NYS Route 31. One location was just east of NYS Route 13 in the Town of Lenox. NYS Route 31 is posted for 55 MPH and consists of two 12-foot wide travel lanes and two eight foot wide shoulders.
- NYS Route 31 (TAZ 1) – The second location was just south of NYS Route 365 in the Town of Verona. In the vicinity of the ATR, NYS Route 31 is posted for 55 MPH and consists of two 12-foot wide travel lanes and two eight foot wide shoulders.

- NYS Route 365 (Border between TAZ 1 and 3) – Traffic count data was collected in two locations on NYS Route 365. Both locations were in the Town of Verona and within a posted 55 MPH speed limit zone. ATRs were placed in both directions between Patrick Road and Turning Stone Boulevard and just north of the I-90 Exit 33 intersection. In both locations, NYS Route 365 is a divided highway with two 12-foot wide travel lanes in each direction. Between Patrick Road and Turning Stone Boulevard, there are two eight foot wide shoulders and a median with box beam median barrier. North of I-90 Exit 33, there is a grassy median with no barrier and an eight foot wide outside shoulder, and a four foot wide inside shoulder.
- NYS Route 5 (Border between TAZ 9 and 10) – ATR counts were conducted on NYS Route 5 on either side of its intersection with NYS Route 365 in the Town of Vernon. In the vicinity of the ATR, NYS Route 5 is curbed and posted for 35 MPH with one 14-foot wide travel lane per direction and a 15-foot wide striped median.
- NYS Route 46 (TAZ 10) – The ATRs were located on NYS Route 46 just south of County Route 100 (Mount Hope Avenue) in the City of Oneida. This location is also just north of County Route 44 (Union Street) which leads to the Village of White Pines and the Ray Elm Children’s and Elder’s Center. The speed limit is posted for 55 MPH and the roadway consists of two 10-foot travel lanes and two four foot wide shoulders.

The 24-hour counts taken at the above-mentioned locations were plotted by direction and by total traffic to show hourly traffic fluctuations. Charts 1 through 8 are the plotted graphs for each count location.

Since the ATR data was collected during the winter, the count data was adjusted based on the latest information from the NYSDOT for seasonal adjustment factors. Due to the date of the counts, the traffic volumes recorded on NYS Route 13 and NYS Route 31 near the Oneida Lake region (Village of Sylvan Beach and the Hamlet of Verona Beach) were much lower than data last collected by the NYSDOT in mid-June 2004. Therefore, it was the recommendation of the NYSDOT to use the 2004 data for these locations. NYSDOT data was also used for count data on segments of NYS Route 5 and 31 in order to compare volumes associated with the Nation with volume data from a location within TAZs 7 and 8.

Table 3.8-9 shows the AADT information that will be used to compare to the volumes associated with Nation lands. The peak hour volumes for the 2004 NYSDOT data were calculated assuming that they would be a certain percentage of the AADT based on the other data collected for this analysis. The peak hour volumes for each of the locations counted were approximately eight percent of the AADT, therefore, the peak hour volumes for the NYSDOT count locations were assumed to be the same. ATR count data for each location is included in Appendix F.

**Table 3.8-9  
AADT Summary**

Highway	Counter Location	Municipality, County	Date of Count	AADT	Peak Hour Volume
NYS Route 13	Just North of NYS Route 31	Town of Lenox, Madison	2004	8,350	668
NYS Route 31	Just East of NYS Route 13	Town of Lenox, Madison	2004	6,700	536
	Just South of NYS Route 365	Town of Verona, Oneida	Jan-06	4,957	398
NYS Route 365	North of I-90 Exit 33	Town of Verona, Oneida	Jan-06	17,521	1,436
	Between Turning Stone Resort & Casino Entrance & I-90 Exit 33	Town of Verona, Oneida	Jan-06	19,325	1,549
NYS Route 5	Just East of NYS Route 365	Town of Vernon, Oneida	Jan-06	11,463	952
	Just West of NYS Route 365	Town of Vernon, Oneida	Jan-06	15,440	1,186
NYS Route 46	Just South of County Route 100	City of Oneida, Madison	Jan-06	6,570	548
NYS Route 5	Just West of NYS Route 13	Town of Lenox, Madison	2004	10,700	856
NYS Route 31	Just West of NYS Route 13	Town of Lenox, Madison	2004	6,900	552

Source: C&S Engineers, Inc., 2004 Traffic Data Report for New York State Department of Transportation.

### 3.8.5.5 Analysis

In order to determine the percentage of traffic within the Study Area that is associated with Nation lands, vehicle trips generated by these properties were estimated using the ITE Trip Generation Manual. ITE uses past studies and traffic count information to estimate, based on different variables (i.e. number of employees, building square footage, number of dwelling units, etc.), the number of vehicle trips a certain type of land use will generate during different time periods (i.e. weekday, A.M. or P.M. peak hour of generator or adjacent street traffic, Saturday, etc.). For the purposes of this analysis, P.M. peak hour data were determined. If there was more than one land use associated with a property, each use was considered and the trips were added to determine a total number of trips for that property. Vacant properties and properties with land uses associated with agriculture were assumed to generate zero vehicle trips during the peak hour. Trip generation for the Turning Stone Resort & Casino was based on driveways counts conducted in August 2006.

Due to the popularity of the 13 SavOn gas stations and convenience stores the Nation owns in the area, a separate analysis was conducted to verify that the ITE rates are consistent with activity at these local establishments. This analysis concluded that the average trip rate for the three locations studied was lower than the corresponding standard provided by ITE. Therefore, the more conservative ITE average trip generation rate was used for the trip generation rates of any SavOn gas station and convenience store locations. The complete analysis is included as Appendix F.

The trips generated by the SavOn gas station and convenience store locations are also subject to a pass-by trip adjustment. ITE defines pass-by trips as intermediate stops on the way from an origin to a primary trip destination without a route diversion, which means that some trips generated by a site are vehicles that are traveling the adjacent roadway regardless of whether or not that particular site was there and decide to stop along the way to their original destination. Supermarkets, banks, and pharmacy/drugstores are examples of other land uses that are typically subject to pass-by trips. ITE notes that pass-by trips are responsible for approximately 60 percent of all trips generated by a gasoline/service station with convenience market. In order to more accurately represent the traffic generated by the SavOn gas station and convenience store sites, the generated trips estimated for each location were reduced by 60 percent.

Table 3.8-10 provides a comparison of the estimated number of trips generated by Nation owned parcels in each TAZ during the P.M. peak hour versus the peak hour traffic volumes on the major roadway associated with that TAZ.

TAZ 1, which encompasses the Turning Stone Resort & Casino, has the highest percentage (85 percent) of Nation related trips. This is due to the regional draw of the Turning Stone Resort & Casino. The trips generated by this facility dominate the section of NYS Route 365 between Patrick Road and Exit 33 of I-90. Due to the high percentage of Nation related trips in this area, a detailed traffic analysis was prepared and is presented in Section 3.8.5.6 Turning Stone Resort & Casino Area.

With the exception of TAZ 1, the percentages of Nation related traffic in each TAZ ranges from zero to 38 percent. The TAZ with the highest percentage of Nation related trips is TAZ 6, which contains Nation owned lands located in the Town of Verona and the Village of Sylvan Beach. This TAZ includes two marinas and two SavOn gas stations and convenience stores, which make up the majority of Nation related trips generated in this location. TAZ 10 also contains a high percentage (33 percent) of Nation trips compared to the major roadway volumes. TAZ 10 includes the Village of White Pines, Ray Elm Children's and Elders Center, Shako:wi Cultural Center, and a member gymnasium. In general, the major trip generator of Nation owned lands and facilities besides the Turning Stone Resort & Casino area is the SavOn gas stations and convenience stores. Therefore, the TAZs with the SavOn gas stations and convenience stores (TAZ 6, 8, and 9) indicate higher percentages of trips from Nation lands.

**Table 3.8-10  
Volume Comparison by TAZ<sup>1</sup>**

TAZ ID	Volumes Generated by Nation Lands <sup>1</sup>	Major Roadway Associated With TAZ	Peak Hour Volumes on Major Roadway	Percentage of Major Roadway Volumes Associated with Nation Lands
1	1455	NYS Route 365	1665 <sup>2</sup>	85
2	1	NYS Route 31	536	0
3	104	NYS Route 31	536	19
4	1	Not available	Not available	0
5	2	NYS Route 31	536	0
6	255	NYS Route 13	668	38
7	5	NYS Route 31	552	1
8	189	NYS Route 5	856	22
9	324	NYS Route 5	1186	27
10	180	NYS Route 46	548	30
11	3	NYS Route 46	548	0

Notes: <sup>1</sup>Refer to Trip Generation Appendix.

<sup>2</sup>Adjusted to reflect summer golf activity.

Source: C&S Engineers, Inc.

While the percentages of Nation traffic represent a substantial proportion of the total traffic volumes, the major roadways within the Study Area are not currently being used to their fullest capacity. NYS Route 46 for example was observed to have a peak hour volume of 548 vehicles per hours, while the capacity of a two-lane highway is 3,200 passenger cars per hour (according to the 2000 Highway Capacity Manual (HCM), Chapter 20 – Two-Lane Highways). NYS Route 46 is currently operating at less than 20 percent of its capacity. Comparing these capacity values to the peak hour volumes on the major roadways considered in this analysis, it can be concluded that while Nation lands generate a high percentage of trips in the area, the roadways are not approaching their operational capacity and have a significant amount of reserve capacity remaining to accommodate future growth.

### 3.8.5.6 Turning Stone Resort & Casino Area

The Turning Stone Resort & Casino is located in the Town of Verona, Oneida County off Exit 33 of I-90 and is considered part of TAZ 1 in the TAZ analysis previously discussed. There is a main entrance to the Turning Stone Resort & Casino from NYS Route 365 and two entrances off Patrick Road.

Chart 1

Route 13 (just north of Route 31)  
Daily Traffic Volumes

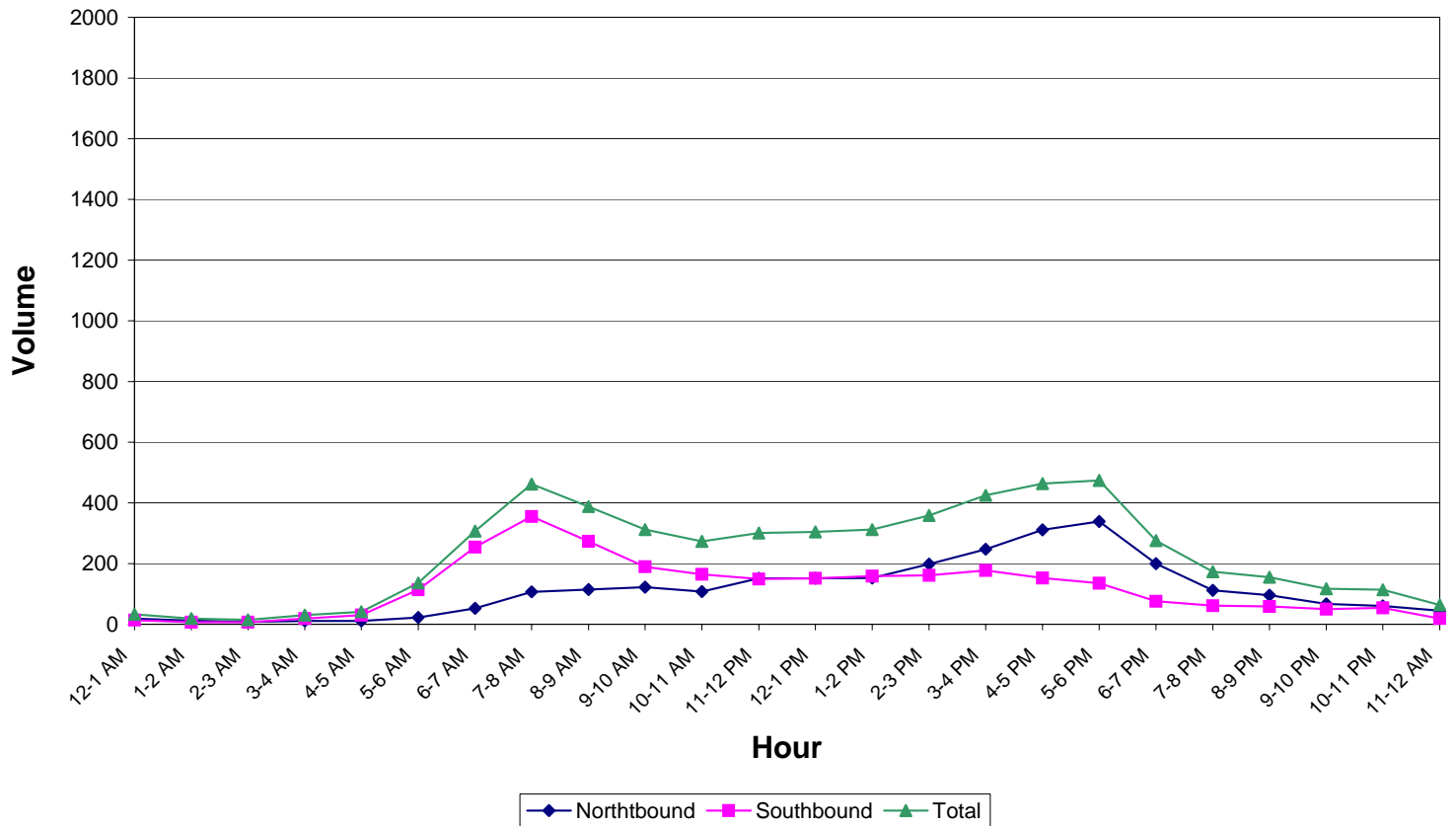


Chart 2

Route 31 (just south of Route 365)  
Daily Traffic Volumes

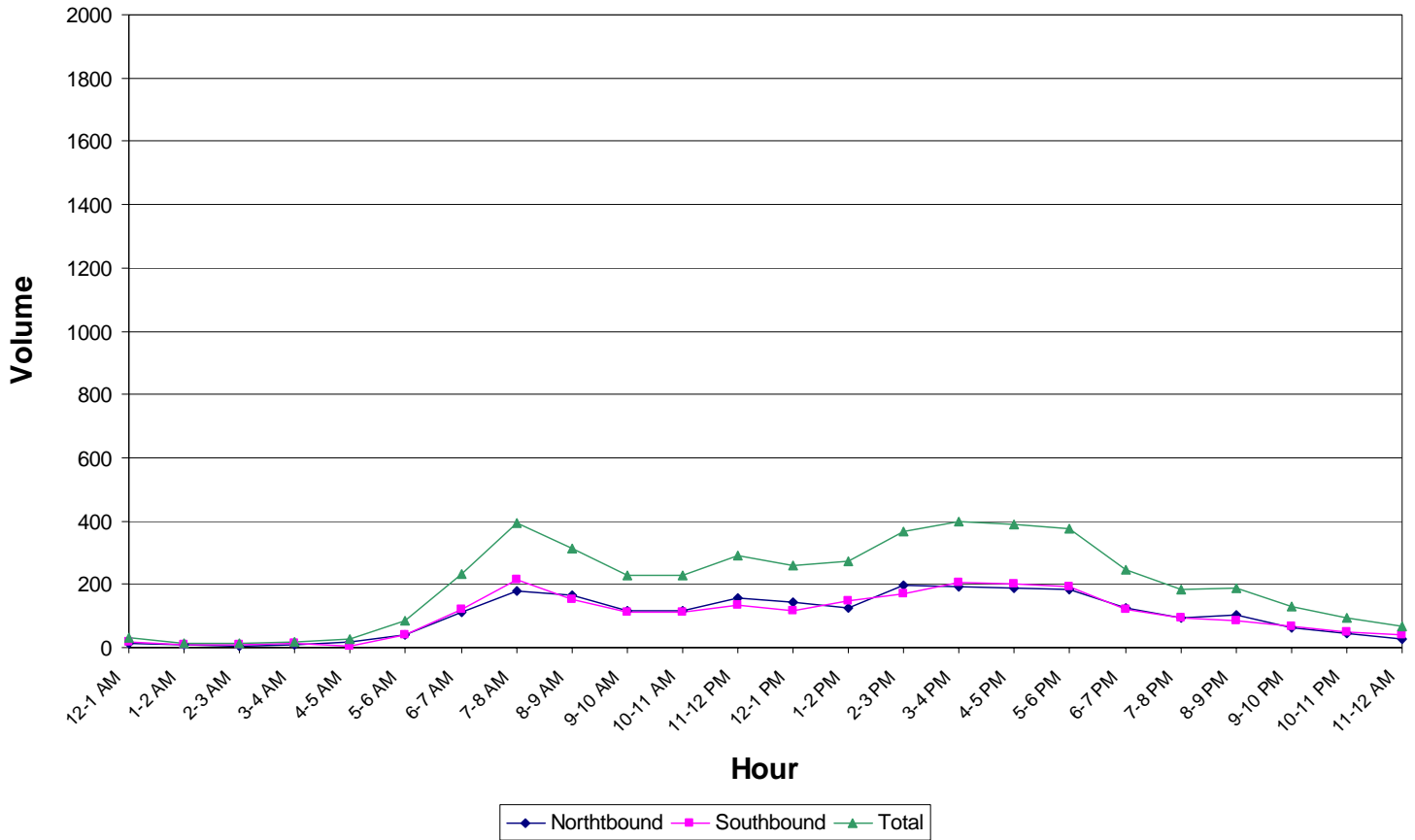


Chart 3

Route 31 (just east of Route 13)  
Daily Traffic Volumes

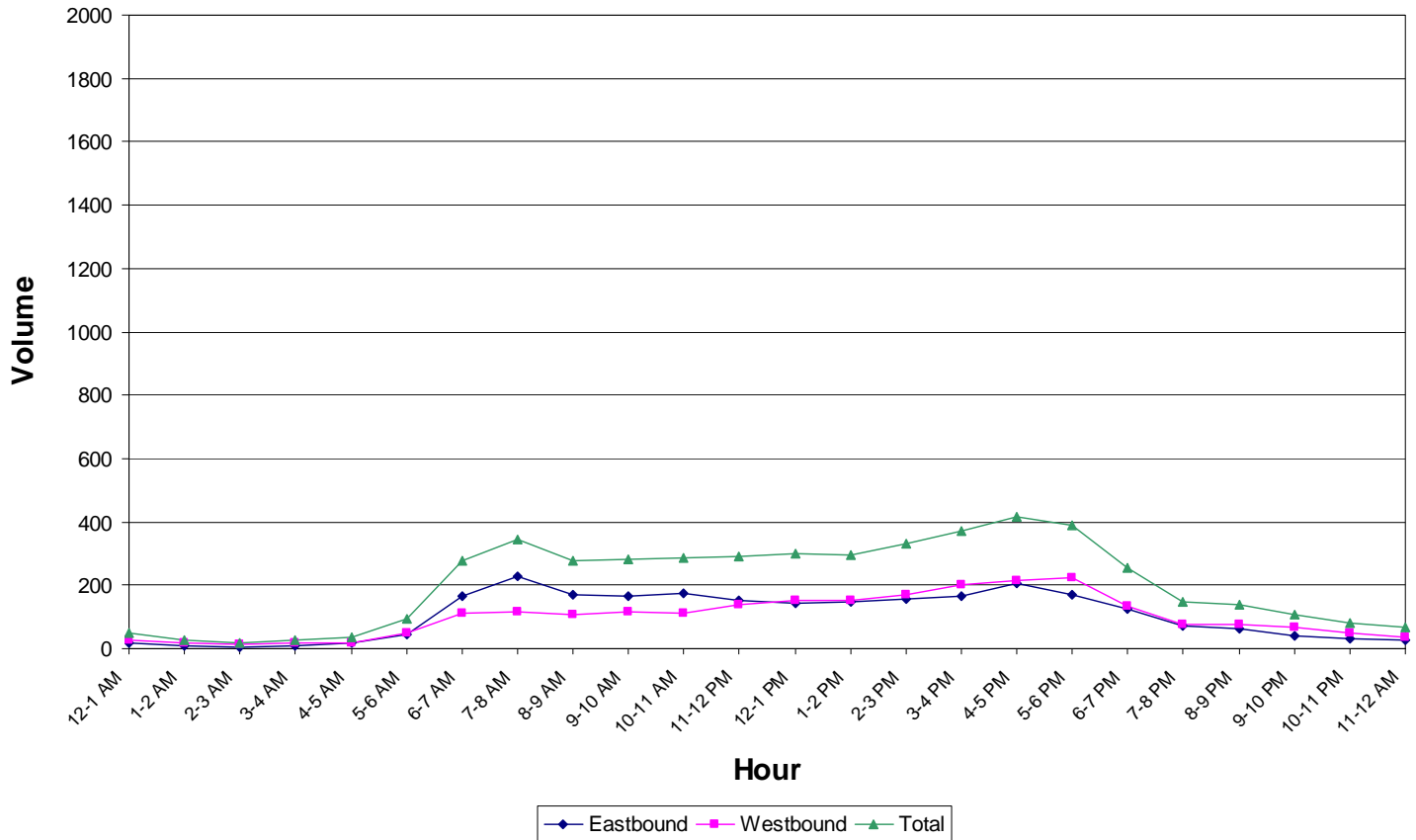


Chart 4

Route 365 (just east of I-90 Exit 33)  
Daily Traffic Volumes

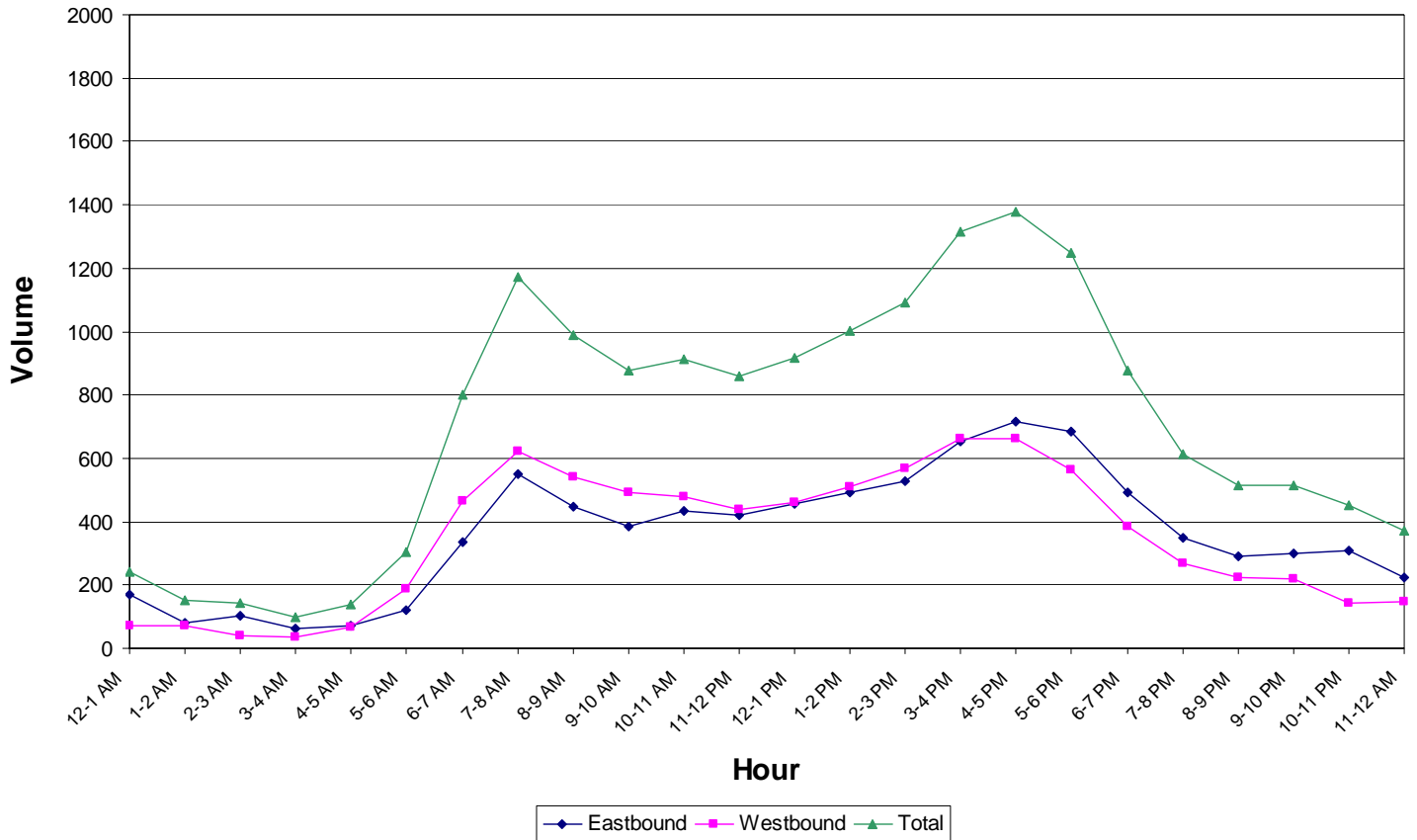


Chart 5

**Route 365 (between Casino entrance & I-90 Exit 33)  
Daily Traffic Volumes**

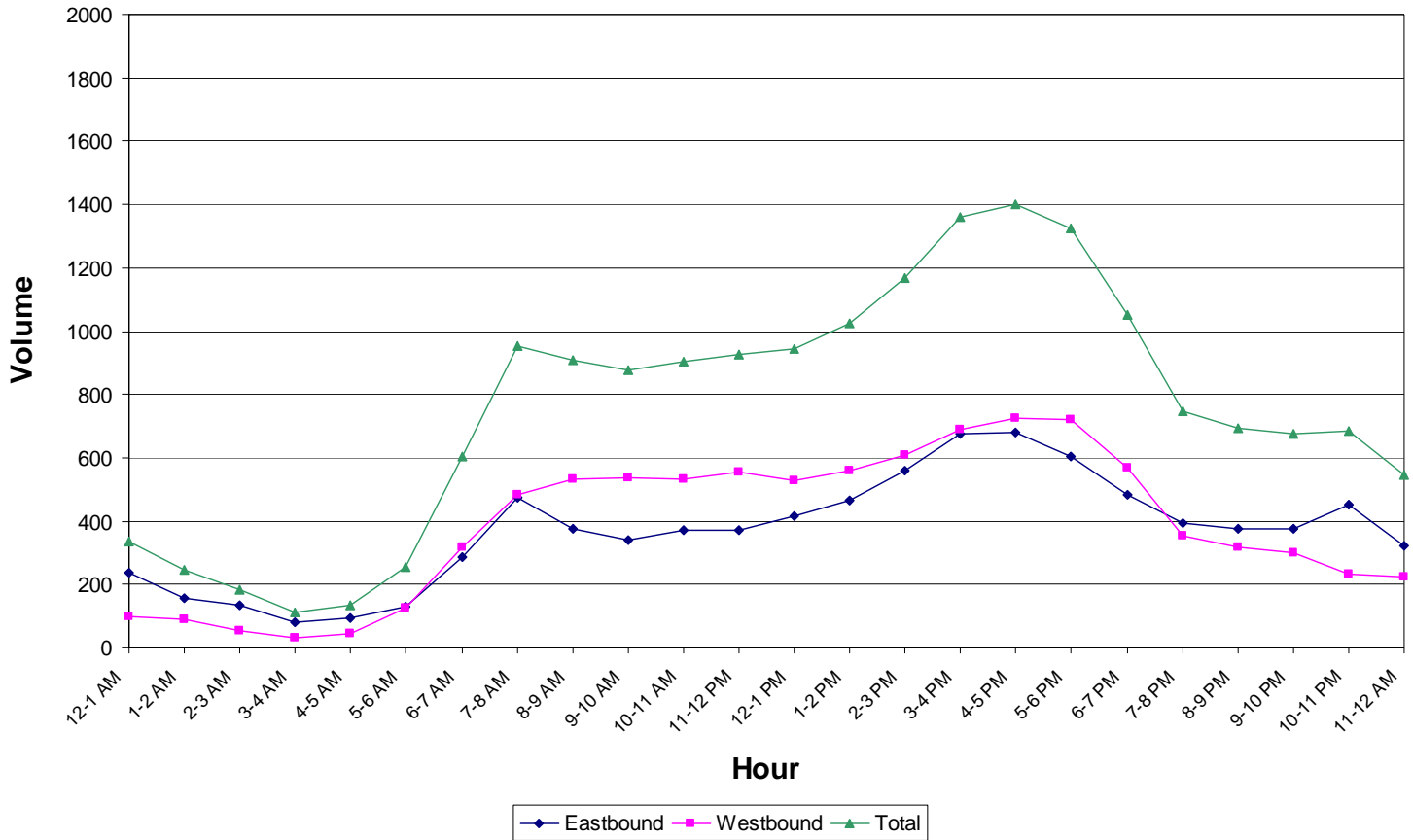


Chart 6

Route 5 (just east of Route 365)  
Daily Traffic Volumes

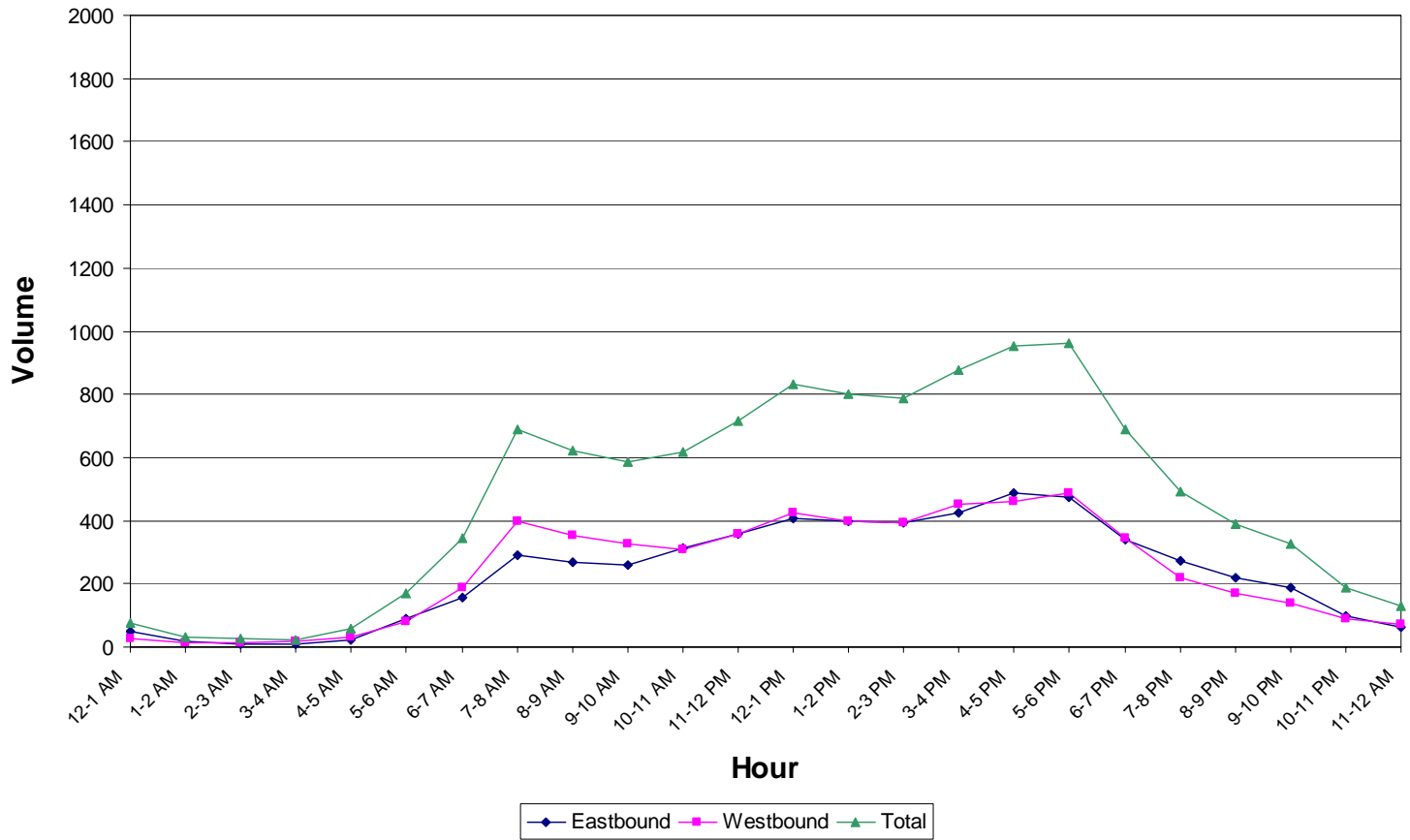


Chart 7

Route 5 (just west of Route 365)  
Daily Traffic Volumes

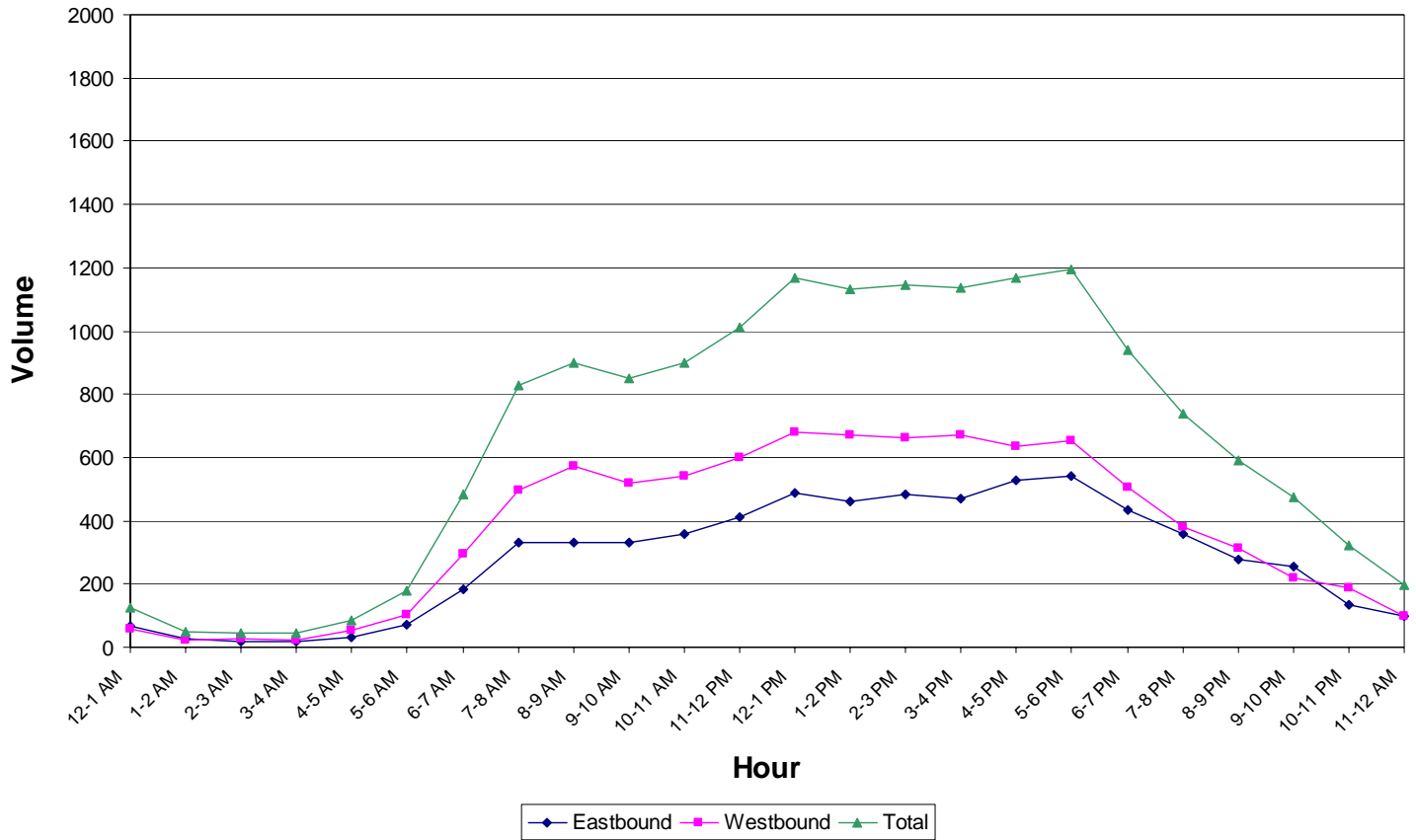
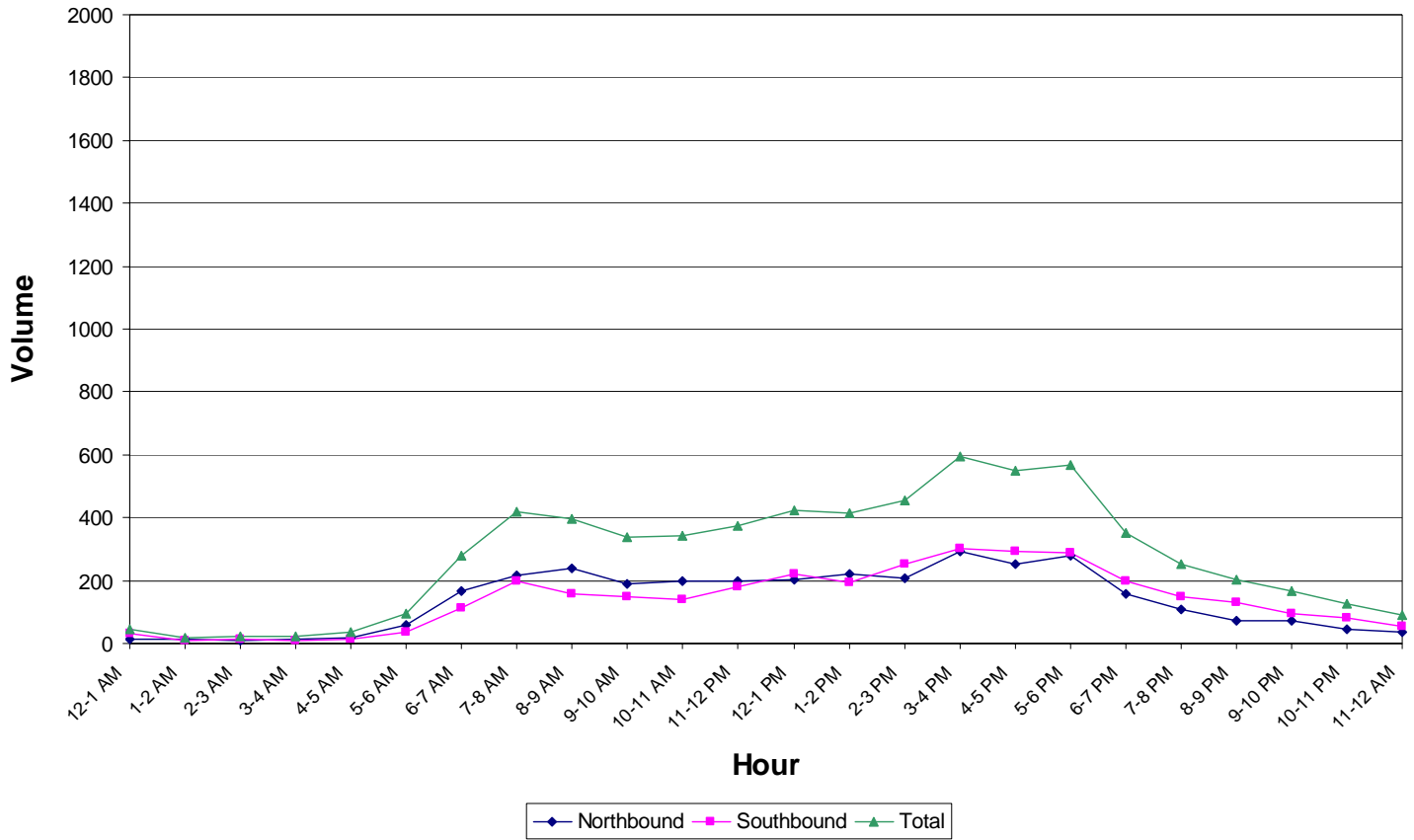


Chart 8

Route 46 (just south of County Route 100)  
Daily Traffic Volumes



**Existing Conditions - 2005/2006**

Since the Turning Stone Resort & Casino generates a more significant amount of traffic in a centralized location compared to the majority of lands owned by the Nation, a more detailed traffic analysis was performed for the roadways and intersections adjacent to the Turning Stone Resort & Casino. Figure 3.8-5 shows the Turning Stone Resort & Casino area and highlights the lane configurations of the following intersections included in this analysis:

- NYS Route 365 and Patrick Road/Willow Place;
- NYS Route 365 and Turning Stone Boulevard (main entrance to the Turning Stone Resort & Casino);
- NYS Route 365 and I-90 Exit 33;
- NYS Route 365 and NYS Route 31; and
- NYS Route 31 and Beacon Light Road/Sarenski Road.

Three peak periods were observed for the purposes of this analysis: normal weeknight peak, Friday special event peak, and Saturday special event peak. The normal weeknight peak period was observed on a Thursday evening when there were no scheduled events for the 800-seat Showroom or the 5,000-seat Event Center. There was a sold out concert in the Event Center during the Friday special event peak period and sold out concerts in both venues during the observed Saturday special event peak period. The traffic data were collected during the arrival period for the special event counts in order to capture the overlap of special event traffic with adjacent regional traffic. The departure period was observed to evaluate traffic management strategies, traffic flow patterns and signal operations.

**Traffic Volumes**

Based on information provided by the NYSDOT and personnel at the Turning Stone Resort & Casino, turning movement counts were collected manually at the Turning Stone Resort & Casino area intersections during three peak periods. The normal weekday PM peak count was conducted on a Thursday evening from 4:00 to 6:00 PM, and the peak hour was determined to occur between 4:30 and 5:30 PM. The data for the special event weeknight count were collected on a Friday from 4:00 to 7:00 PM during the arrival period of a sold-out concert in the Event Center. The peak hour for this period was determined to occur from 4:00 to 5:00 PM. The final period analyzed was a Saturday evening when there was a sold-out concert in the Event Center and in the Showroom. Data was collected from 4:00 to 7:00 PM, and the peak hour was determined to occur from 5:00 to 6:00 PM.

Volumes from the manual traffic counts were compared to ATR data collected for this analysis along NYS Route 365 and past data collected by the NYSDOT. Traffic count data collected by the New York State Thruway Authority (NYSTA) at the I-90 Exit 33 toll

plaza were also used to verify peak periods. Figures 3.8-6 through 3.8-8 show the existing, balanced peak hour volumes for the intersections adjacent to the Turning Stone Resort & Casino area for the three different study periods. Traffic count data are provided in Appendix F.

**Analysis**

The intersections included in the Study Area were analyzed using the latest release of SYNCHRO, which is a computer program which implements the methods presented in the HCM that describe traffic operations. SYNCHRO was used to determine the Level of Service (LOS) at the intersections included in this analysis.

The LOS for signalized intersections is defined in terms of control delay. Control delay is a measure of driver discomfort, frustration, fuel consumption, and lost travel time. Specifically, LOS criteria are stated in terms of the average control delay per vehicle for a 15-minute analysis period and range from A to F. A LOS of A is representative of a movement that is free flowing with minimal delay, while a LOS of F represents long, unacceptable delays. Table 3.8-11 represents an excerpt from the HCM and provides the standard LOS criteria for signalized intersections.

**Table 3.8-11  
HCM LOS Criteria - Signalized Intersections**

LOS	Delay in Seconds
A	0-10
B	10-20
C	20-35
D	35-55
E	55-80
F	Over 80

Source: Highway Capacity Manual, Transportation Research Board, 2000.

The LOS for unsignalized intersections is also defined in terms of control delay. Unsignalized intersection LOS at or approaching F is obtained when insufficient gaps exist in the opposing traffic for turning vehicles to pass through safely. Table 3.8-12 shows the standard LOS criteria for unsignalized intersections as noted in the HCM.

To create the most accurate model in SYNCHRO, intersection characteristics must be adjusted from ideal conditions to what is found in the field. These adjustment factors include lane widths, peak hour factor, percentage of heavy vehicles, area type, presence of turning lanes, and current signal timing and phasing information for the signalized intersections. The factors applied to the model were taken from the turning movement counts and field observations.

**Table 3.8-12  
HCM LOS Criteria - Unsignalized Intersections**

LOS	Delay in Seconds
A	0-10
B	10-15
C	15-25
D	25-35
E	35-50
F	Over 50

Source: Highway Capacity Manual, Transportation Research Board, 2000.

The NYSDOT provided the signal timing and phasing information for the signals along NYS Route 365. The data were also field verified. The timing and phasing of signals at the intersections of NYS Route 365 with Patrick Road/Willow Place and with Turning Stone Boulevard are currently coordinated. The coordination focuses on the eastbound and westbound movements on NYS Route 365 for most timing plans. From 5:30 to 8:00 PM in the evening when a special event is scheduled at the Turning Stone Resort & Casino, a special event entry timing plan goes into effect that coordinates the westbound through and left turn movements at these two intersections. A variable message sign (VMS), owned and operated by the Nation, is also used during special event periods to direct drivers to enter the Turning Stone Resort & Casino by making a left turn onto Patrick Road. This VMS informs drivers of the most direct route to the Turning Stone Resort & Casino parking garage and relieves congestion for the left turn movement at Turning Stone Boulevard. The signal timing and phasing plan appropriate for each peak period analyzed was used in modeling the existing roadway network adjacent to the Turning Stone Resort & Casino.

A LOS analysis was conducted to evaluate the existing intersection operations. Figures 3.8-9 through 3.8-11 show the LOS for each movement of each intersection and the average intersection LOS at the signalized intersections for the three different peak periods analyzed. Table 3.8-13 notes the LOS for each movement but also summarizes the delay in seconds and 95<sup>th</sup> percentile queue analysis results for each movement of each intersection. The 95<sup>th</sup> percentile queue, given in feet, represents the maximum distance vehicles will back up from the intersection and is not generally seen during each cycle.

Detailed documentation of the SYNCHRO analysis and results are provided in Appendix F.

All of the intersections analyzed in the Turning Stone Resort & Casino area operate at a LOS C or better for each of the time periods analyzed. Due to the implementation of the event traffic signal plan, there was no significant increase in delay at intersections during the special event periods compared to the normal weeknight. Furthermore, each

**Table 3.8-13  
Existing LOS & Queue Summary**

		NORMAL WEEKNIGHT		SPECIAL EVENT WEEKNIGHT		SPECIAL EVENT WEEKEND	
		LOS (DELAY)	QUEUE LENGTH (FT)	LOS (DELAY)	QUEUE LENGTH (FT)	LOS (DELAY)	QUEUE LENGTH (FT)
<b>BEACON LIGHT RD/SARENSKI &amp; ROUTE 31</b>							
EASTBOUND BEACON LIGHT RD	LT/THRU/RT	B (14.5)	36	B (10.9)	12	B (10.3)	7
WESTBOUND SARENSKI RD	LT/THRU/RT	C (15.2)	8	B (13.5)	4	B (12.4)	3
NORTHBOUND ROUTE 31	LT/THRU/RT	A (2.3)	4	A (2.2)	4	A (2.5)	3
SOUTHBOUND ROUTE 31	LT/THRU/RT	A (0.0)	0	A (0.4)	0	A (1.0)	1
<b>ROUTE 365 &amp; ROUTE 31</b>							
EASTBOUND ROUTE 365	LT	C (27.2)	167	C (31.3)	166	C (25.7)	83
	THRU	B (15.1)	171	B (10.7)	151	A (9.0)	100
	RT	B (12.6)	28	A (9.4)	34	A (8.2)	24
WESTBOUND ROUTE 365	LT	C (27.1)	94	C (28.3)	76	C (29.7)	45
	THRU	B (19.0)	203	B (13.8)	180	B (11.9)	95
	RT	B (15.0)	24	B (11.7)	37	B (10.8)	19
NORTHBOUND ROUTE 31	LT/THRU	C (28.3)	167	C (31.9)	168	C (29.0)	94
	RT	B (17.9)	30	B (19.3)	28	B (19.7)	14
SOUTHBOUND ROUTE 31	LT/THRU	C (22.2)	136	C (21.0)	88	C (21.2)	64
	RT	B (17.8)	24	B (19.4)	32	B (19.9)	29
INTERSECTION AVERAGE LOS (DELAY)		B (19.8)		B (17.9)		B (16.8)	
<b>ROUTE 365 &amp; THRUWAY EXIT 33</b>							
EASTBOUND ROUTE 365	THRU	B (18.3)	167	B (19.2)	178	B (19.7)	110
WESTBOUND ROUTE 365	LT	C (31.9)	168	C (29.6)	158	C (24.0)	85
	THRU	A (6.8)	85	A (8.4)	110	B (10.3)	76
NORTHBOUND EXIT 33	LT	C (22.4)	225	C (21.5)	276	C (20.8)	#404
INTERSECTION AVERAGE LOS (DELAY)		B (17.3)		B (17.5)		B (17.9)	
<b>ROUTE 365 &amp; CASINO ENTRANCE</b>							
EASTBOUND ROUTE 365	THRU	B (16.8)	207	B (15.4)	108	B (14.1)	78
	RT	B (14.2)	m7	A (9.4)	m8	A (8.2)	8
WESTBOUND ROUTE 365	LT	C (29.5)	173	B (19.2)	218	C (21.6)	317
	THRU	A (1.9)	53	A (2.0)	54	A (1.6)	38
NORTHBOUND CASINO ENTRANCE	LT	C (33.2)	49	C (33.4)	46	D (35.8)	47
	RT	B (19.8)	85	B (11.1)	53	B (10.4)	35
INTERSECTION AVERAGE LOS (DELAY)		B (14.6)		B (11.8)		B (12.7)	
<b>ROUTE 365 &amp; PATRICK RD/WILLOW PL</b>							
EASTBOUND ROUTE 365	LT	D (35.3)	11	D (35.1)	4	D (37.8)	12
	THRU/RT	B (13.8)	123	B (14.8)	117	B (16.7)	90
WESTBOUND ROUTE 365	LT	C (31.6)	183	C (30.8)	143	C (32.9)	223
	THRU/RT	A (7.6)	103	A (5.4)	51	A (4.6)	27
NORTHBOUND PATRICK RD	LT/THRU	C (34.2)	101	C (31.6)	111	D (36.5)	91
	RT	B (15.3)	47	B (15.0)	57	B (12.7)	9
SOUTHBOUND WILLOW PL	LT/THRU/RT	C (26.8)	8	C (25.1)	6	C (28.5)	8
INTERSECTION AVERAGE LOS (DELAY)		B (17.3)		B (16.7)		C (21.1)	

# - 95TH PERCENTILE VOLUME EXCEEDS CAPACITY, QUEUE MAY BE LONGER. QUEUE SHOWN IS MAXIMUM AFTER 2 CYCLES  
m - VOLUME FOR 95TH PERCENTILE QUEUE IS METERED BY UPSTREAM SIGNAL

Source: C&S Engineers, Inc.



movement at the intersections operates at a LOS D or better, which the NYSDOT generally considers acceptable.

The only intersection that resulted in deterioration in average LOS was the NYS Route 365 and Patrick Road/Willow Place intersection. The average delay increased approximately four seconds, and the LOS declined from a B during the normal weeknight period to a C during the weekend special event. The Patrick Road left turn and through movements, and the movements on Willow Place, experienced an increase in delay due to the additional green time allotted to the NYS Route 365 westbound left turn movement during the event timing plan.

### **3.8.5.7 Toll Booth Plaza Analysis**

An analysis was conducted at the toll plaza for I-90 Exit 33, which is located in the Town of Verona, in order to determine the current effectiveness of the plaza during a special event at the Turning Stone Resort & Casino and determine what, if any, mitigation may be needed to accommodate future traffic demands. The toll plaza at Exit 33 consists of five booths two serving entering traffic, two for exiting traffic, and one booth that is reversible by order of the toll plaza manager in order to minimize directional congestion at the plaza. All booths have the capability to serve ticket and EZ-Pass customers, but typically there is a booth for each type of transaction in each direction, and the third booth would be an additional ticketed booth. Each booth has a capacity based on whether that booth is operating as a ticketed or EZ-Pass booth and if it is serving entering or exiting traffic. The NYSTA accepts the following operating capacities:

- Entering Cash Booths: 375-450 Passenger Car Equivalent Per Hour
- Exiting Cash Booths: 275-350 Passenger Car Equivalent Per Hour
- Dedicated EZ-Pass Booths: 1,000 Vehicles Per Hour

Based on operations data obtained for this toll plaza (e-mail correspondence from Lee Maynus, NYSTA, February and March 2006), 44 percent of those traveling on I-90 are EZ-Pass customers versus 56 percent that use the ticketed booths.

A capacity and queue analysis was completed for the Exit 33 toll plaza on Saturday, February 25, 2006 in order to capture the peak hour operations on the day that a number of special events at the Turning Stone Resort & Casino were scheduled. Fifteen minute volumes and class data were obtained from the NYSTA for the toll plaza. The peak hour for the toll plaza was determined to occur from 4:30 – 5:30 PM. Table 3.8-14 identifies the operations of each booth during this peak hour.

**Table 3.8-14  
Booth Capacity Summary**

<b>Booth Number</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
Booth Type	EZ-Pass	Ticket	Ticket	Ticket	EZ-Pass
Booth Direction	Entering	Entering	Exiting	Exiting	Exiting
Peak Hour Volume (Passenger Car Equivalents)	150	267	244	214	261
Booth Capacity	1,000	375-450	275-350	275-350	1,000
Over (+)/Under (-) Capacity	-850	-108	-31	-61	-739

Queue lengths were noted for the exiting traffic every five minutes during the same time frame as the special event turning movement counts. The queues for the entering traffic were observed for a portion of this time frame and were not noted to be an issue, as there were no more than six to seven cars at any given moment. The maximum queue observed for the exiting traffic was at approximately 4:45 PM. It was noted that the vehicles were queued for a distance of approximately 740 feet or approximately 37 vehicles from the plaza. The next highest queue was observed at 7:00 PM., when 21 vehicles were queued at Booth 4 and 17 vehicles waited at Booth 5; the length of this queue was approximately 400 feet. The average queue length for Booth 4 during the observed time period was five vehicles, the average for Booth 5 was four vehicles, and the average for Booth 6 was 0.5 vehicles. The mainline traffic on I-90 was not affected by queues at this toll booth during the observed peak period.

As noted in Table 3.8-14, the exiting ticket booths are starting to approach capacity. As a result, peak exiting queues of approximately 20 to 35 vehicles were observed. The queuing is most likely as a result of an unequal arrival pattern within the peak hour.

### 3.8.5.8 Safety Analysis

A preliminary highway safety history evaluation was completed for the major intersections and highway segments located within the Study Area. The most complete accident data provided by the NYSDOT were for the three year period from June 1999 through May 2002. New York State Accident Description Reports were provided from NYSDOT's Computerized Local Accident Surveillance System (CLASS) and State Accident Surveillance System (SASS). Accident summaries were broken down by corridor and include both reportable and non-reportable accidents (those accidents that resulted in less than \$1,000 worth of property damage and no injuries). In order to identify where accident history may be significant enough to require further investigation, this highway safety history evaluation was completed by calculating an accident rate for an intersection or highway segment noted by the NYSDOT as being a high accident location and comparing that rate to the statewide average accident rates for a similar location.

The accident rate is the ratio of the number of accidents at an intersection or within a segment, for every million vehicles entering an intersection or million vehicle miles of travel in a segment within the specified study period. The Statewide Accident Averages for

highway segments (by facility type) and intersections (by type) provided by the NYSDOT were used as a benchmark to compare to the accident rates to determine if more detailed analysis was warranted. Traffic count information for the accident rate calculations were derived from the NYSDOT data taken within the time frame of the accident reports analyzed. Accident information was requested from the NYSDOT for the following major roadways in the Study Area and included any intersections contained within the roadway segment:

- NYS Route 31 from NYS Route 13 to NYS Route 5;
- NYS Route 13 from NYS Route 31 to Canal Street (Village of Canastota);
- NYS Route 13 from Pine Ridge Road to NYS Route 5;
- NYS Route 5 from Hubbard Place (City of Oneida) to NYS Route 26;
- NYS Route 365 from Tilden Hill Road to NYS Route 5;
- NYS Route 46 from County Route 34 (Peterboro Road) to NYS Route 5; and
- Patrick Road (Town of Verona) from Route 365 to Snyder Road (Town of Verona).

Tables 3.8-15 and 3.8-16 show the rate comparison for those intersections and highway segments, as indicated by the NYSDOT, within the Study Area whose accident rates exceed the statewide average for similar locations. Figure 3.8-12 shows the Study Area and highlights the intersections and roadway segments with high accident rates.

**Table 3.8-15  
Intersection Accident Rates**

Intersection Roadway #1	Intersection Roadway #2	Municipality, County	Number of Accidents	Annual Traffic Entering Intersection	Accident Rate (ACC/MEV)	Statewide Accident Rate (ACC/MEV)
NYS Route 31	NYS Route 46	Town of Verona, Oneida	17	8,121	1.91	0.59
NYS Route 13	County Route 10	Town of Lenox, Madison	10	6,487	1.41	0.35
NYS Route 365	Patrick Rd	Town of Verona, Oneida	17	13,589	1.14	0.59
NYS Route 31	NYS Route 365	Town of Verona, Oneida	25	20,545	1.11	0.59
NYS Route 5	NYS Route 26	Town of Vernon, Oneida	13	11,155	1.06	0.59
NYS Route 5	NYS Route 365A	City of Oneida, Madison	21	20,276	0.95	0.59
NYS Route 5	NYS Route 46	City of Oneida, Madison	19	26,653	0.65	0.46
NYS Route 31	NYS Route 13	Town of Lenox, Madison	10	12,474	0.73	0.59

Source: C&S Engineers, Inc. and New York State Department of Transportation *Average Accident Rates for State Highways.*

**Table 3.8-16  
Roadway Segment Accident Rates**

Highway Segment	Municipality, County	Number of Accidents	Length of Segment (miles)	AADT	Accident Rate (ACC/MEV)	Statewide Accident Rate (ACC/MVM)
NYS Route 46: County Route 18 – NYS Route 5	City of Oneida, Madison	29	0.20	8,000	16.55	2.77
NYS Route 31: County Route 83 - Eastwood Drive	Town of Verona, Oneida	17	0.24	4,229	15.30	2.81
NYS Route 13: County Route 12 - Center St	Town of Lenox, Madison	51	0.31	11,979	12.54	2.81
NYS Route 5: Hubbard Pl – NYS Route 365A	City of Oneida, Madison	26	0.16	15,462	9.60	2.81
NYS Route 5: Rowland Place - Sherrill Road	City of Sherrill, Oneida	16	0.27	9869	5.48	2.81
Route 5: Ames Plaza - Broad Street	City of Oneida, Madison	52	0.35	18515	7.33	4.98
NYS Route 365 : Tilden Hill Rd – County Road 83	Town of Verona, Oneida	11	0.21	14295	3.35	2.15

Source: C&S Engineers, Inc. and New York State Department of Transportation *Average Accident Rates for State Highways*.

### 3.8.5.9 Intersection Accident Summaries

A detailed summary of the accidents at intersections that have higher accident rates than the statewide average shows the following information:

- NYS Route 31 and NYS Route 46 – The intersection of NYS Route 31 and NYS Route 46 is a four-way signalized intersection located in TAZ 5 in the Town of Verona. The speed limit on the two roadways approaching the intersection is 55 MPH. During the three-year study period from June 1999 to May 2002, 17 accidents occurred, two of which were non-reportable. Over half of the reportable accidents were right angle collisions noted to be caused by traffic control device disregard on behalf of one of the motorists. There were two fatalities recorded at this intersection on June 13, 1999 and January 28, 2000. In the June collision, a vehicle traveling southbound on NYS Route 46 disregarded the traffic control device and collided with vehicles traveling on NYS Route 31. In the January collision, a motorist traveling westbound on NYS Route 31 fell asleep and collided with a motorist traveling southbound.
- NYS Route 13 and County Route 10 – County Route 10 approaches NYS Route 13 at a 65 degree angle and is controlled with a flashing red signal. The indication flashes yellow for vehicles traveling on NYS Route 13. This intersection is located on the boundary between TAZ 6 and TAZ 8 in the Town of Lenox and the speed

- limit on the two roadways approaching the intersection is 55 MPH. Six of the 10 accidents noted at this location were right angle collisions, one of which resulted in a fatality on August 18, 1999. The most commonly noted cause for the accidents included in the reports was failure to yield right of way by the motorists on County Route 10.
- NYS Route 365 and Patrick Road/Willow Place – NYS Route 365 is a four-lane divided roadway at the point it intersects with Patrick Road and Willow Place. It is a signalized intersection in the Turning Stone Resort & Casino area with dedicated left turn lanes on NYS Route 365 and a dedicated right turn lane on Patrick Road. There were 17 accidents noted at this location, five of which were non-reportable. Of the 12 reportable accidents, nine were rear end collisions noted to be caused by motorists following too closely or traveling at an unsafe speed with or traveling at an unsafe speed with slippery pavement conditions. Seven of these rear end collisions occurred on NYS Route 365, which is posted at a 55 MPH speed limit. The speed limit on Patrick Road is 40 MPH.
  - NYS Route 31 and NYS Route 365 – The intersection of NYS Route 31 and NYS Route 365 is signalized and located near the Turning Stone Resort & Casino in the Town of Verona. The north and south approaches on NYS Route 31 are posted for 40 MPH, and each consists of a shared through/left turn lane and a channelized right turn lane. The west approach on NYS Route 365 consists of two through lanes, a dedicated left turn lane and a dedicated right turn lane. The east approach consists of two through lanes, a dedicated left turn lane and a channelized right turn lane. The speed limit for NYS Route 365 is posted for 55 MPH. There were 25 accidents reported at this location. The most common type of collision noted was of the rear end type, and all eight occurred on the NYS Route 31 approaches caused by motorist's following too closely, driver inattention, traveling at an unsafe speed and/or slippery pavement conditions. Improvements at this intersection are currently being investigated by the NYSDOT as part of PIN 2038.29 which is expected to be completed in March 2008. These improvements are expected to include the addition of dedicated left turn lanes for the approaches on NYS Route 31 which may lower the occurrence of rear end collisions at this intersection.
  - NYS Route 5 and NYS Route 26 – Motorists approaching the intersection of NYS Route 5 and NYS Route 26 are controlled by a flashing red light. There is a flashing yellow indication for those on NYS Route 5 and there is also an additional lane in the westbound and eastbound directions for those traveling through the intersection maneuver around those waiting to make a left turn onto NYS Route 26. The speed limit on the two roadways approaching the intersection is 55 MPH. Of the 13 accidents reported, only four did not result in an injury. The right angle collision was the most common type reported and they were all noted to be caused by the failure of the motorist traveling on NYS Route 26 to yield the right of way, or traffic control disregard.
  - NYS Route 5 and NYS Route 365A – The intersection of NYS Route 5 and NYS Route 365A (Lenox Avenue) is located in the City of Oneida and included in TAZ 9. NYS Route 365A approaches NYS Route 5 at a 30 degree angle at the north leg of the intersection and the south leg approaches at a 58 degree angle. The

intersection is controlled by a signal and there is a number of dedicated turn lanes at the approaches. The speed limit for the roadways as they approach the intersection is 45 MPH. There were a total of 21 accidents recorded at this intersection but eight of them were non-reportable. The most common type of collision noted was of the rear end type, which occurred eight times within the study period, and was mostly contributed to a motorist following another motorist too closely.

- NYS Route 5 and NYS Route 46 – The intersection of NYS Route 5 and NYS Route 46 is signalized and located in the City of Oneida. The speed limit for the roadways as they approach the intersection is 35 MPH. The westbound approach of NYS Route 5 consists of a dedicated lane for each movement, and the other three approaches consist of a dedicated left turn lane and a shared through, and right turn lane. A total of 19 accidents were recorded at this intersection, seven of them were non-reportable. Of the 12 reportable accidents, only four resulted in injuries. Eight of the accidents were of the rear end type and caused by a variety of contributing factors. There was no clear accident pattern discernable from the reports.
- NYS Route 31 and NYS Route 13 – The posted speed limit for NYS Route 31 and NYS Route 13 in the vicinity of the intersection is 55 MPH. The intersection is in the Town of Lenox and there is a shared through/left turn lane and a channelized right turn lane at each approach. Ten accidents occurred at the four-way signalized intersection. The nine reportable accidents were noted to have been caused by a variety of factors ranging from alcohol involvement to driver inattention or inexperience. There was no clear pattern or deficiency of the roadways that could be derived from the reports.

As part of the more in-depth accident analysis, report summaries and collision diagrams were prepared for each intersection discussed above based on the information provided in the CLASS and SASS reports, and are included in Appendix F.

#### 3.8.5.10 Roadway Segment Accident Summaries

The highway segments found to have higher accident rates than the statewide average ranged in length from 0.16 to 0.35 miles. A detailed summary of the accidents along these highway segments shows the following information:

- NYS Route 46: County Route 18 to NYS Route 5 – The segment of NYS Route 46 from County Route 18 (Fairview Avenue) to NYS Route 5 is in the City of Oneida and includes a number of driveways and the signalized intersection of NYS Route 46 with Glenwood Place. The segment is approximately 0.2 miles long and is a two-lane highway with dedicated turn lanes at Glenwood Place and NYS Route 5, as well as at the northbound approach to an access for a shopping plaza just south of Glenwood Place. The intersection of NYS Route 46 and NYS Route 5 was analyzed separately. Twenty-nine accidents occurred along this segment within the time frame analyzed: 18 reportable accidents, 11 non-reportable accidents and nine of the 18 reportable accidents resulted in an injury. Three accidents occurred at the intersection with County Route 18, four occurred between County Route 18 and Glenwood Place, eight were reported at the

- intersection with Glenwood Place, and the remaining 14 accidents occurred between Glenwood Place and NYS Route 5. There was no discernable accident pattern found based on the wide variety of types and causes of reported accidents.
- NYS Route 31: Eastwood Drive to County Route 83 (Main Street) – This segment analysis includes the two-way stop controlled intersection with County Route 83 but not the T-intersection with Eastwood Drive. NYS Route 31 is a two-lane highway with a number of private driveways within this segment. Of the 17 accidents analyzed, 11 occurred along the highway segment, and six were noted to have occurred at the intersection with County Route 83. Seven of the accidents reviewed were non-reportable, and three resulted in injuries. Of the 10 reportable accidents, four were fixed object collisions, three were left turn collisions, two were rear end collisions and one was due to an animal action. The apparent factors noted were driver based, such as turning improperly, mechanical problems or following too closely, as opposed to highway based factors.
  - NYS Route 13: Center Street to County Route 12 (Roberts Street) – This segment of NYS Route 13 is located in the Village of Canastota and is part of TAZ 8. The analysis of this section includes the T-intersection with County Route 12, the intersection with Chapel Street and Diamond Street, the signalized intersection with Canal Street and the signalized intersection with Center Street. There is a 20 MPH school zone on NYS Route 13 from County Route 12 and Chapel Street, and there is on-street parking along the remainder of the segment. There were 51 accidents reviewed, and 21 were non-reportable. The 30 reportable accidents consisted of 20 rear-end collisions, five right angle collisions, two fixed object collisions, one right turn collision, and one collision involving a pedestrian. The most common factors noted for the rear end collisions were following too closely and driver inattention. This is most likely due to stop and go traffic that is typical for a downtown area with adjacent parking.
  - NYS Route 5: Hubbard Place to NYS Route 365A – This segment includes the T-intersection with Hubbard Place but the signalized intersection with NYS Route 365A was analyzed separately. This segment also includes a number of private driveways and a right in/right out only access to a Wal-Mart plaza for westbound traffic on NYS Route 5. The eastbound traffic travels on two lanes: a shared through/right turn lane and a dedicated left turn lane which extend for the length of the segment analyzed from the intersection with NYS Route 365A. Of the 26 accident reports reviewed, 12 were non-reportable and six of the remaining 14 resulted in an injury. Three accidents occurred at the intersection with Hubbard Place: two were non-reportable and the third was caused by a motorist traveling southbound and failing to yield the right-of-way to a motorist on NYS Route 5. The 14 reportable accidents consisted of four rear end collisions, three sideswipe collisions, three collisions caused by animal actions, and two right angle collisions. The most common contributing factors noted were failure to yield right of way, driver inattention and following too closely.
  - NYS Route 5: Rowland Place to Sherrill Road – This segment of NYS Route 5 is approximately a quarter of a mile long and is located in the City of Sherrill. It includes the T-intersection with Rowland Place, the signalized intersection with Sherrill Road and the entrance to Sherrill Manufacturing, formally Oneida Ltd., as

- well as a number of private driveways. There is one lane for each direction with a dedicated right turn lane for eastbound traffic turning onto Rowland Place and dedicated left turn lanes on the NYS Route 5 approaches to the intersection at Sherrill Road. Half of the 16 accidents reviewed for this segment were non-reportable. The other half consisted of three rear end collisions, three right angle collisions, a fixed object collision and a sideswipe collision. The causes noted for the three accidents that resulted in an injury were driver illness, driver inattention, and following too closely.
- NYS Route 5: Ames Plaza driveway to Broad Street – NYS Route 5 from the signalized, T-intersection at the Ames Plaza driveway to the unsignalized, T-intersection at Broad Street is in the City of Oneida and is approximately 0.35 miles long. There is one lane for each direction, with a two way left turn lane and a number of access points along this segment of NYS Route 5. There is also a dedicated left turn lane for westbound traffic at the intersection with the Ames Plaza driveway. Of the 52 accidents recorded along this segment, four occurred at the intersection with the Ames Plaza driveway, eight occurred at the intersection with Broad Street, and the remaining 40 occurred in the segment between. There were 18 non-reportable collisions, 20 property damage only collisions, and 14 collisions that resulted in injuries. Half of the reportable accidents were rear end collisions that were most commonly attributed to following too closely or driver inattention.
  - NYS Route 365: County Route 83 (Main Street) to Tilden Hill Road – This segment of NYS Route 365 is approximately 0.2 miles long and includes the unsignalized, T-intersection with County Route 83 and the signalized, four-way intersection with Tilden Hill Road. NYS Route 365 is a four lane, divided highway posted for a 55 MPH speed limit. Tilden Hill Road and County Route 83 are controlled by stop signs. Four accidents were recorded at the intersection with County Route 83. Of the four, three were reportable and were all right angle collisions caused by the failure of the motorist on County Route 83 to yield right of way to a motorist on NYS Route 365. There was one animal action collision at the intersection with Tilden Hill Road. The remaining accidents occurred along NYS Route 365 between the two intersections. Of the six accidents that were recorded along the segment, one was non-reportable, two were caused by animal action, and the last two were fixed object collisions caused by debris in the roadway and unsafe speed with slippery pavement conditions.

Approximately 40 percent of the accidents that occurred on the above-mentioned roadway segments were non-reportable, which means they did not result in an injury and more than \$1,000 worth of property damage. The most common types of accidents for those that were reportable on these roadway segments in more urban areas were rear end collisions. Most of the collisions were notably caused by driver error, such as following too closely and driver inattention and enforcement related issues, such as driving at an unsafe speed. The accidents that occurred on the more rural roadway segments were mostly fixed object collisions caused by unsafe speeds or animal actions. For the most part, there was no discernable accident pattern that could be corrected by physical improvements to the

roadways. Furthermore, this safety analysis is a study of existing conditions and cannot be specifically attributed to Nation activities.

As part of the more in-depth accident analysis, report summaries and collision diagrams were prepared for each roadway segment discussed above based on the information provided in the CLASS and SASS reports and they are included in Appendix F.

#### **3.8.5.11 Summary**

Due to the size of the Study Area, the transportation review includes two levels of analysis. The first analysis was at a broad planning level of detail that evaluated all Nation lands within geographic TAZs. This analysis revealed that with the exception of the Turning Stone Resort & Casino area (TAZ 1), the percentage of Nation related traffic ranges from zero to 38 percent. The two areas with the highest percent of Nation activity are TAZ 6, which includes Nation lands located in the Town of Verona and the Village of Sylvan Beach and TAZ 10; which includes the Village of White Plains, Ray Elm Children's and Elders Center, Shako: wi Cultural Center and a member gymnasium. Although Nation related traffic in these areas represent a substantial portion of the total traffic, the major roadways are currently operating below capacity.

Since Nation related traffic activity in TAZ 1 (NYS Route 365 adjacent to the Turning Stone Resort & Casino) is approximately 85 percent of the total traffic, a more detailed traffic analysis was conducted. Traffic data was collected and a model developed to evaluate intersection operations. The analysis concluded that all of the Study Area intersections operate at a LOS C or better. Furthermore, each intersection movement operates at a LOS D or better, which NYSDOT considers acceptable.

Two additional analyses were provided in the evaluation of existing conditions. A review of peak hour activity at I-90 Exit 33 toll booths reveals that the exiting ticket booths are starting to approach capacity. The result is a peak hour queue of up to 35 vehicles. The final analysis is a preliminary safety history evaluation. NYSDOT provided information for eight intersections and seven roadway segments that have accident rates higher than the statewide average. A review of the accident reports indicate that the majority of collisions were due to driver error, including disregard for traffic control devices or following too closely. There were no discernable traffic patterns that could be corrected by roadway improvements and the accidents could not be attributed to any specific traffic generator.

### **3.8.6 Land Use Plans and Zoning**

#### **3.8.6.1 Introduction**

An analysis of the Proposed Action requires an assessment of existing and current public policies related to land use and development. This section provides a general description of public policies on land use and development for those communities within which the

Nation owns land, as well as communities that are located within the Study Area (1,000-foot radius from Nation lands). Land use plan information was derived primarily from comprehensive and master plans, zoning ordinances, communication with local and county officials, and a review of available on-line data.

The purpose of zoning in any municipality is for protection of the health, safety, comfort, and general welfare of its citizens. Zoning regulations are used to define the municipality by organizing the types of land uses and development that can occur within designated areas and to encourage the most appropriate land uses within the municipality. Zoning districts are described by their general character or purpose and the permitted land uses allowed within them. Zoning regulations are not mandatory under New York State law, but they are a useful tool for regulating the patterns of land use within each municipality.

### **Methodology**

Land use plans were determined by collecting and reviewing comprehensive plans, municipal plans, and other policies that are used by communities to guide growth and provide recommendations for future development decisions. Local municipalities were contacted in an effort to obtain comprehensive plans, master plans, revitalization policies or policy plans which are used to guide growth in the community. Nation owned parcels located within these municipalities were evaluated with respect to consistency with adopted policies on land use and development.

With regard to zoning, the counties, cities, towns, and villages located throughout the Study Area were individually contacted to acquire the most updated zoning ordinances and maps. In a letter to Malcolm Pirnie, Inc., dated August 15, 2006, the Oneida County Department of Law states that Oneida County does not have authority over zoning plans and that this issue falls under the purview of the municipalities located within the county. Section 8.0 References provides a list of all zoning codes and comprehensive plans used in the preparation of this Draft EIS. The discussion of land use plans illustrates the link between zoning and master plans and provides an explanation of the comprehensive plan process in those municipalities where a master plan was adopted.

Whether the Nation is bound by local zoning laws is disputed by the Nation. Therefore, the discussion of zoning in each municipality pertains to non-Nation properties and not those owned by the Nation. However, the various municipalities that contain Nation-owned properties in their zoning districts are identified in the discussion. Uses of Nation-owned properties are then compared to the respective municipal zoning designations.

### **New York State Enabling Statutes**

New York State enabling statutes give towns the jurisdiction, power and responsibility to prepare and adopt a comprehensive plan for their community. In order to outline the physical, economic, geographic, and demographic growth of a community, comprehensive plans as set forth in the New York State Town Law Section 272-a may be and are

encouraged to be adopted. Comprehensive plans are also referred to as land use plans, master plans or development plans and set forth a consensus about future and anticipated changes. A comprehensive plan is a public policy that typically covers the entire community and addresses those elements, trends, and resources that will determine future growth. It reflects the goals, objectives, policies, and guidelines that a municipality has established for itself. A comprehensive plan commonly includes written materials, graphic features, maps, standards, policies, and recommendations.

Although state legislation encourages it, New York State regulations require that land use, development, and zoning regulations be consistent with a community's comprehensive plan. A comprehensive plan sets forth those goals and objectives that the municipality wants to accomplish. Zoning regulations establish the requirements and guidelines the community will use to achieve its goals. Local commissions and boards are responsible for making decisions that are consistent with the zoning regulations and the objectives of the comprehensive plan.

Additionally, pursuant to Sections 239-1, 239-m, and 239-n of New York State Municipal Law, if a municipality has adopted zoning or subdivision regulations any non-ministerial approval or permitting actions or amendments to or adoptions of a zoning ordinance or local law must be referred to the county planning agency for review. In the absence of a county planning agency, a municipality within the jurisdiction of a regional planning council may refer such actions to that regional agency for review. The referenced actions must be referred to such agencies if the actions involve real property located within 500 feet of the following:

- The boundary of any city, village or town;
- The boundary of any existing or proposed county or New York State park or any other recreation area;
- The right-of-way of any existing or proposed county or New York State parkway, thruway, expressway, road or highway;
- The existing or proposed right-of-way of any stream or drainage channel owned by a county or for which the county has established channel lines;
- The existing or proposed boundary of any county or New York State owned land on which a public building or institution is situated; and
- The boundary of a farm operation located within an agricultural district, as defined by Article 25AA of the Agricultural and Markets Law, except when applying the granting of area variances.

The 500-foot boundaries located along county and state roads are measured from the center line of the roadways and not from the edge of the right-of-ways. These boundaries do not necessarily represent actual property boundaries.

### **Nation Ordinances**

The Oneida Indian Nation Land Use Ordinance (Ordinance No. 0-98-3, which is available upon request from the Nation) established the Nation’s right to designate districts for, “specific portions of the lands under the territorial jurisdiction of the Oneida Nation for the application of area specific regulations” (Nation, 1998). This ordinance provides regulations for the issuance of Land Use Permits and Special Use Permits and establishes land use districts. The location of land use districts established on Nation lands; which were approved by the Nation; are depicted on the Nation’s land use map shown on Figure 3.8-13. The Oneida Indian Nation Zoning Ordinance (Ordinance No. O-94-05) establishes building, bulk, and density regulations for development on Nation lands. All new development within Nation lands are required to be consistent with the regulations set forth in the Oneida Indian Nation Land Use Ordinance.

As stated in the Oneida Indian Nation Land Use Ordinance, the following land use districts have been established on Nation lands:

- Low Density Residential (R-L) district - minimum 16,500 square foot lot area, only low-density residential uses, no more than one detached single-family dwelling are permitted and other buildings accessory to domestic life such as garages, storage sheds, boat sheds, and other related structures are allowed.
- Medium Density Residential (R-M) district - minimum 10,000 square foot lot area, no more than one detached single-family dwelling is permitted, and other buildings accessory to domestic life such as garages, storage sheds, boat sheds, and other related structures are permitted.
- Zero Lot Line Residential (R-Z) district - no more than one single-family dwelling that may either be detached or attached to another dwelling unit by party wall along a side lot line is permitted and other buildings accessory to domestic life are allowed.
- Planned Unit Development (PUD) district – are only developed by Special Use Permits and are granted for well-designed developments that are primarily residential in use and contain provisions for open space, landscaping, recreation, and accessory uses that enhance the quality of life of residents. Residential uses may include single-family detached dwelling units, single-family attached dwelling units, multi-family dwelling units, and/or home occupations. Additionally, accessory uses may include certain commercial, community or governmental buildings or facilities.
- Unassigned Residential (R-U) district – are reserved for future designation as R-L, R-M, R-Z or PUD designation. Nation lands located in this district would not be subdivided, established as road rights-of-way nor assigned to a district without the approval of the Nation.
- Community and Governmental (C-G) district - are developed only by Special Use Permit as approved by the Nation for well-designed developments, the primary use of which is governmental or community activities and facilities that contain provisions for open space, landscaping, and accessory uses. The types of uses

include those that provide delivery of governmental services or administration of government functions.

### **County Planning Agencies**

The Madison County Planning Department is responsible for providing assistance to communities with master and comprehensive planning, offering guidance and support with zoning and other land use regulations, and municipal review under the General Municipal Law 239 (l) (m). This department provides and oversees various environmental protection, economic development, agricultural protection, and geographic information system programs for Madison County.

Planning at the county level in Oneida County is based on a cooperative effort between the Oneida County Department of Planning, the Herkimer-Oneida Counties Comprehensive Planning Program, and the Herkimer-Oneida Counties Transportation Study. The Oneida County Planning Department conducts planning at the county and regional level with extensive local assistance provided to municipalities located within Oneida County. The Planning Department's responsibilities include economic development, water resources, geographic information systems, environmental planning, transportation planning, and land use and zoning. The Oneida County Planning Department addresses issues dealing with local governments, developers, consulting agencies, and the general public. Inquiries often deal with comprehensive planning, zoning, agricultural districts, and subdivision laws.

A discussion of adopted comprehensive or master plans for each municipality in which the Nation owns lands is provided in the following section. A brief description of the general goals, objectives, and policies of each plan is provided for each municipality. Additionally, each subsection concludes with an assessment of the consistency of uses of Nation lands within the municipality and with its established and adopted land use policy.

#### **3.8.6.2 Oneida County Land Use Plans and Zoning**

The land use plans and zoning discussions below provide a brief assessment of existing and proposed land use plans for each community within Oneida County in which Nation lands are located as well as permitted uses, special permit uses, and conditional uses, and the purposes of each zoning district as identified by each municipality located in Oneida County. The following discussion of permitted land uses, special permit uses, and conditional uses are not meant to be exhaustive and comprehensive, but rather are intended to provide a general understanding of the types of uses permitted by the zoning regulations of each municipality. Additional bulk, height, use, zoning, parking, and developmental regulations pertaining to each municipality can be reviewed in the individual zoning or land use law that is referenced in the text.

**Town of Verona**

The Town of Verona adopted a Comprehensive Land Use Plan and Final Generic Environmental Impact Statement in December 1996. As stated in that document, “The Town of Verona Comprehensive Land Use Plan and Final Generic Environmental Impact Statement is a report summarizing a two year effort by Town officials. The major planning elements are addressed in the following sections: community setting, environment, infrastructure, land use, and comprehensive planning. Each section separately discusses existing factors shaping the Town of Verona, issues and known areas of concern, goals and objectives, and policy and regulatory decisions recommended for future Town actions.” Additionally, the Comprehensive Land Use Plan and Final Generic Environmental Impact Statement are identified as a, “Vision of the Town’s future focusing on the land and its development” (Town of Verona, 1996). This document contains a land use map and land use plan, as well as an assessment of existing conditions and recommendations for future guidance.

The Comprehensive Land Use Plan and Final Generic Environmental Impact Statement addresses development activities of the Nation in a discussion of the existing community setting. This document states, “The Oneida Nation constructed and currently operates the Turning Stone Casino. It is the only casino in New York State, and its success has enabled the Oneida Nation to construct other facilities, acquire more land and fund construction of public water and sewer facilities for their use and the use of surrounding towns through an informal, working relationship. This relationship reflects the many elements of the community that are shared by both - the land, environment, and infrastructure.”

The Comprehensive Land Use Plan and Final Generic Environmental Impact Statement identifies four major planning goals to be considered for future Town of Verona development, which are as follows:

- To preserve its overall rural character by focusing new development into selected portions of the town;
- To accommodate and promote new residential and economic development that is appropriate to the rural character of the town;
- To encourage the protection and preservation of environmental resources and coordinating town policies with Federal and New York State agencies; and
- To promote the cost-effective construction and use of public infrastructure as a tool to enhance the community character and protect environmental resources.

The Comprehensive Land Use Plan and Final Generic Environmental Impact Statement recommends establishing the following zoning districts: Agriculture; Residential; Mixed Residential and Commercial; Commercial; and Planned Unit Development. Additionally, this document provides a draft land use plan and recommendations for future development and land use. The draft land use map provided in the Comprehensive Land Use Plan and Final Generic Environmental Impact Statement visually consolidates the

objectives of the report. As stated in this document, “the overall planning objective of this section is to achieve and depict a sense of balance for the entire community.”

The Town of Verona Board enacted and adopted the Town of Verona Zoning Ordinance in Local Law No. 1 of 2003 (Town of Verona, 2003). The Zoning Districts Map, which was adopted in October 2004, identifies zoning districts in the Town of Verona, the Hamlet of Durhamville, and the Hamlet of Verona Beach (Town of Verona, 2004). The zoning districts adopted by the Town of Verona are identified below.

Approximately 75 percent of the area in the Town of Verona is zoned Rural Development (RD). The purpose of the Rural Development (RD) zoning district is to, “foster and maintain the economic viability of agricultural uses and to minimize impacts upon sensitive environmental and natural resources in major rural portions of the Town” (Town of Verona, 2003). Those areas that are not zoned RD are generally located in the more densely populated portion of the Town of Verona in the south, northeast, and northwest.

The other predominant rural zoning district in the Town of Verona is the Rural Residential (RR) zoning district. This zoning district is found in two locations in the Town of Verona, in the northern portion along County Route 50 and Cornell Street and in the south central portion along Tilden Hill Road, NYS Route 365, and Spring Road. The Rural Residential (RR) zoning district comprises approximately five percent of the area in the Town of Verona. As noted in the Town of Verona Zoning Ordinance, “The purpose of the RR zoning district is to allow for residential and appropriate non-residential development in selected portions of the Town that are un-sewered but may have existing or planned public water service” (Town of Verona, 2003). Single-family residential dwellings are permitted uses by right in this zoning district. Agricultural uses and cemeteries are permitted in the Rural Residential (RR) zoning district through the site plan review process.

The purpose of the Residential (R) zoning district, as noted in the Town of Verona Zoning Ordinance, is “to foster and maintain moderate density single-family residential development in portions of the Town that afford the full provision of public water and sewer facilities. Compatible non-residential development supportive of a single-family residential environment will be accommodated” (Town of Verona, 2003). Residential (R) zoning districts are located in the Hamlet of Durhamville along Randall Road and Canal Street, along Scondondoa Road, and along the north side of NYS Route 365 south of Merry Road.

The Commercial Neighborhood Service (CNS) zoning district was designated, “to complement the more restrictive character of surrounding rural or residential zone districts by allowing small-scale commercial and non-residential development in very limited portions of the Town” (Town of Verona, 2003). As indicated in the Town of Verona

Zoning Ordinance, “the potential locations will generally be at intersections of significant roads and may be partially or fully served with public water and sewer facilities” (Town of Verona, 2003). The Commercial Neighborhood Service (CNS) zoning district is mapped in seven different locations throughout the Town of Verona, most notably in the northeast portion of the town at the intersection of County Route 50 and NYS Route 46 near the Erie Canal. Additionally, pockets of areas zoned CNS are located in the central areas of the Hamlets of Durhamville and Sconodoo.

The Planned Commercial (PC) zoning district is “intended to promote a variety of medium to large scale commercial uses developed in planned and well-designed arrangements of lots, buildings and site improvements.” The Planned Commercial (PC) zoning district appears to comprise less than five percent of the area of the Town of Verona. This zoning district is located generally in the southern and most densely populated areas of the Town of Verona, along NYS Route 365 north of Stoney Brook Road.

The Hamlet Commercial and Residential (HCR) zoning district is intended “to encourage and maintain the development and growth of primarily existing commercial centers within the Town by allowing a mixture of residential, non-residential, and commercial land uses in a physical setting that promotes pedestrian movement.” The areas that are zoned HCR comprise less than five percent of the area of the Town of Verona, are primarily located in three parts of the town, and include properties located in the Hamlets of Verona Beach and Durhamville. One Hamlet Commercial and Residential (HCR) zoning district is located in the south central portion of the Town of Verona north and west of the Turning Stone Resort & Casino and is bounded on the south by I-90 and NYS Route 365. Shorefront properties located along Oneida Lake and the Erie Canal in the western portion of the Town of Verona are also zoned HCR.

Agricultural, commercial, and other non-residential uses such as garages, storage facilities, and hospitals are permitted through site plan review in the Heavy Commercial and Industrial (HCI) zoning district, as indicated in the Town of Verona Zoning Ordinance. There is a concentration of properties zoned HCI located in the southern part of the Town of Verona located north of I-90, east of Sand Hill Road, and south of NYS Route 31. This zoning district comprises less than five percent of the area of the Town of Verona.

The Planned Unit Development (PUD) zoning district allows for a variety of land uses and a flexible arrangement of lots and structures in a well-planned and coordinated design. The flexibility of land uses and lots is achieved by the Town of Verona through continuously participating in and approving stages of project planning and development. All groups of uses are permitted in a Planned Unit Development (PUD) zoning district through the site plan review process. There are six Planned Unit Development (PUD) zoning districts located within the Town of Verona that include the recreational vehicle park and other properties owned by the Nation located along NYS Route 365, a portion

of land located along Hill Road, land located on the south site of Heel Path Road just south of Zingerline Road and north of the Erie Canal, and the properties comprising the Turning Stone Resort & Casino off of NYS Route 365 at Patrick Road.

The Town of Verona was recently contacted for information regarding Nation lands located within the town relative to their consistency with the Comprehensive Land Use Plan and Final Generic Environmental Impact Statement and/or zoning regulations. Information from the Town of Verona regarding possible non-compliance of any or all Nation owned properties within the town with land use plans and zoning is inconclusive.

### Nation Lands

#### *Group 1 Lands*

The Comprehensive Land Use Plan and Final Generic Environmental Impact Statement addresses development on lands located throughout the Town of Verona and includes a land use plan and map of future land uses. The draft land use plan and map generally assigns entertainment and tourism uses, future entertainment and tourism, agricultural uses, and low density residential uses to the areas currently occupied by Group 1 lands. There are 70 parcels comprised of 80 tax lots of Group 1 lands located in the Town of Verona. These Group 1 lands are generally comprised of the Turning Stone Resort & Casino, the Shenendoah Golf Course, the Kaluhyat Golf Course, the Sandstone Hollow Golf Course, related resort and golf course maintenance, active and undeveloped agricultural uses, undeveloped and vacant properties, residential uses, the Villages at Turning Stone RV Park and Peaceful Pines Campground, SavOn gas stations and convenience stores, and Nation member housing. The uses of the Group 1 lands are generally consistent with the overall objectives of the Town of Verona's Comprehensive Land Use Plan and Final Generic Environmental Impact Statement.

The Comprehensive Land Use Plan and Final Generic Environmental Impact Statement also discusses properties that are owned by the Nation. This document states, "Although the Nation has undertaken its construction activities based upon its own environmental regulations which meet or exceed current environmental standards, compliance is reliant on self-monitoring and self-enforcement." The Comprehensive Land Use Plan and Final Generic Environmental Impact Statement identifies those lands owned by the Nation at the time of the document's preparation in 1996.

Many of the Group 1 lands appear to be located within the Town of Verona's Rural Development (RD) zoning district. Group 1 lands located in the Rural Development (RD) zoning district include the Pleasant Knolls Golf Course, Kaluhyat Golf Course, field crops, vacant agricultural land, and residential structures. The Turning Stone Resort & Casino, Shenendoah Golf Course, Sandstone Hollow Golf Course, SavOn gas station and convenience store, parking lots, and the Villages at Turning Stone RV Park and Peaceful Pines Campground are located in the Town of Verona's Planned Unit Development (PUD)

zoning district. The remaining Group 1 lands are located in either the Planned Commercial (PC) zoning district or the Hamlet Commercial and Residential (HCR) zoning district. The Group 1 lands located in the area zoned PC are utilized for a SavOn gas station and convenience store, parking lots, industrial lands, and vacant residential uses, while the area zoned HCR is utilized for the Inn at Turning Stone and vacant residential uses. The uses of the Group 1 lands are regulated by the Oneida Nation Land Use Ordinance. There are 80 Group 1 lands located within the Town of Verona of which uses on two, as listed in Appendix G, are considered to be inconsistent or nonconforming. However, a comparison of land uses and municipal zoning in Appendix G indicates that the uses characterizing these Nation lands are primarily consistent with the municipal zoning of Nation owned properties.

#### *Group 2 Lands*

There are 85 parcels comprised of 118 tax lots of Group 2 lands located in the Town of Verona. Group 2 lands are located throughout the Town of Verona, but are mostly concentrated towards its center. The Comprehensive Land Use Plan and Final Generic Environmental Impact Statement assigns agricultural uses, entertainment and tourism, multi-use planned development, mixed use residential-commercial, and future entertainment and tourism in those areas where Group 2 lands are located. The existing uses of Group 2 lands include active and undeveloped agricultural properties, wetland mitigation banking, active and vacant residential structures including Nation member housing, the Snug Harbor Marina, Beach Mart, commercial vacant land with minor improvements, commercial structures, SavOn gas stations and convenience stores, outdoor activities, commercial storage, convenience stores, a vacant landing strip (the abandoned Kamp Airport) and pastures. The existing uses on Nation lands are generally consistent with future land uses identified in the Comprehensive Land Use Plan and Final Generic Environmental Impact Statement.

Group 2 lands in the Town of Verona are located in the Rural Development (RD) zoning district, the Rural Residential (RR) zoning district, the Planned Commercial (PC) zoning district, the Heavy Commercial and Industrial (HCI) zoning district, and the Planned Unit Development (PUD) zoning district. Properties in the Hamlets of Verona Beach and Durhamville are located within the Hamlet Commercial and Residential (HCR) zoning district. There are 118 Group 2 lands located within the Town of Verona of which uses on three, as listed in Appendix G, are considered to be inconsistent or nonconforming with existing municipal zoning regulations. These include lands which are being used for residential uses such as apartment buildings and mobile homes. However, a comparison of land uses and municipal zoning in Appendix G indicates that the uses characterizing these Nation lands are primarily consistent with the municipal zoning of properties owned by the Nation.

### *Group 3 Lands*

There are 18 parcels of land comprised of 22 tax lots of Group 3 lands located in the Town of Verona including two parcels comprised of two tax lots located in the Hamlet of Durhamville. Group 3 lands are generally clustered in the eastern and central portions of the Town of Verona, although there are two parcels located near the main cluster of Group 1 lands. The Comprehensive Land Use Plan and Final Generic Environmental Impact Statement assigns agricultural uses to the clusters or properties located in the eastern and central portion of the Town of Verona, and low-density residential to one of the parcels located away from these clusters. Land uses generally found on Group 3 parcels in the Town of Verona are active and undeveloped agricultural uses, pastures, and vacant properties. The existing land uses are consistent with the future land uses designated by the Town of Verona in the Comprehensive Land Use Plan and Final Generic Environmental Impact Statement.

Group 3 lands appear to be located entirely within Rural Development (RD) zoning districts, with the exception of the two tax lots located within the Village of Durhamville that are zoned HCR. The uses characterizing these Group 3 lands are consistent with the municipal zoning of properties owned by the Nation.

### ***Town of Vienna***

The Town of Vienna Master Plan was adopted by the Town of Vienna Planning Board in September 1988. Through community wide surveys, meetings of the Town of Vienna Planning Board and the Citizen's Advisory Committee, and previous plans and studies of the Town of Vienna, community goals were continuously raised as being of importance to the future of the town's community planning process including:

- protection of the town's water resources;
- preservation of the town's rural character;
- protection of the integrity of the town's residential neighborhoods and the property values of the town's homeowners; and
- ensuring the proper functioning of the town's streets and highways.

The Nation owns land located within the Village of Sylvan Beach, which is identified below in the discussion of the village's land use policy. Nation lands are not located within the Town of Vienna beyond the Village of Sylvan Beach.

The Town of Vienna Zoning Map, which was adopted as part of the Town of Vienna Zoning Law in September 1991, has been amended twice since it was adopted most recently in April 1997 (Town of Vienna, 1997). The Town of Vienna Zoning Map identifies the location of zoning districts in the Town of Vienna. (Town of Vienna, 2003). The permitted uses for all land located in the zoning districts is identified in the Town of Vienna Zoning Ordinance.

There are several zoning districts in the Town of Vienna including the Water Resources (WR) zoning district, Hamlet (H) zoning district, and the Commercial (C) zoning district. Water Resources (WR) zoning districts permit residential uses such as single-family dwellings; mobile homes and accessory apartments; large, medium, and small agricultural structures; home occupations; and all accessory uses and structures. Areas that are zoned WR are located in the eastern portion of the Town of Vienna, adjacent to the Towns of Verona and Annsville, and the City of Rome. Hamlet (H) zoning districts permit residential uses such as single- and two-family dwellings and accessory apartments, medium and small agricultural structures, home occupations, and accessory uses and structures. The Hamlet (H) zoning district is located in four different areas of the Town of Vienna including in the northern portion of the town in the vicinity of the Hamlet of McConnellsville along NYS Route 13, in the southern portion of the town and along Oneida Lake in the vicinity of the Hamlet of Jewell on NYS Route 49, in the south central portion of the town in the vicinity of the Hamlet of North Bay along NYS Route 49, and near the intersection of NYS Routes 13 and 49. Commercial (C) zoning districts permit accessory apartments, medium and small agricultural structures, home occupations, and all accessory uses and structures. Commercial facilities are permitted with a special permit in areas zoned C. Two Commercial (C) zoning districts are located in the Town of Vienna, one of these districts is located in the southern portion of the town along NYS Routes 13 and 49 and the other district is located in the central portion of the town along NYS Route 13.

The Town of Vienna has four residential zoning districts, which include the Low-Density Rural Residential (RR-3) zoning district, the Moderate-Density Rural Residential (RR-2) zoning district, the High-Density Rural Residential (RR-1) zoning district, and the Shore Residential (SR) zoning district. Areas zoned RR-1, RR-2, RR-3, and SR permit residential uses such as single- and two-family dwellings, mobile homes and accessory apartments, medium and small agricultural structures, home occupations, and all accessory uses and structures, large agricultural structures are also permitted in areas zoned RR-1, RR-2, and RR-3. The permitted uses in the Low-Density Rural Residential (RR-1) zoning district, Moderate-Density Rural Residential (RR-2) zoning district, and High-Density Rural Residential (RR-3) zoning district differ only by two or three special permit uses. The Low-Density Rural Residential (RR-3) zoning district comprises approximately one-third of the land area in the Town of Vienna and is located in the northwest portion of the town, adjacent to the Towns of Constantia and Camden. Areas zoned RR-2 are located in the south and central portion of the Town of Vienna and also comprise approximately one-third of the area of the town. A relatively small area located in the northern portion of the Town of Vienna is zoned RR-2. One area located in the northeast portion of the Town of Vienna adjacent to the Town of Annsville is zoned RR-1. Two areas located along the north shore of Oneida Lake are zoned SR.

### ***Village of Sylvan Beach***

All Nation lands within the Town of Vienna are located within the Village of Sylvan Beach, in the southwest corner of the town on the eastern shore of Oneida Lake just north of the Erie Canal. The Sylvan Beach Village Board adopted the Comprehensive Plan of the Village of Sylvan Beach in November 2001. (Village of Sylvan Beach, 2001). The adoption resolution states that the Village Board found the Comprehensive Plan of the Village of Sylvan Beach to constitute, “a suitable, rational, and timely Plan for future development of the Village of Sylvan Beach.” This document contains goals, an assessment of existing conditions and character, maps, design strategies, and recommendations for future development and growth in the Village of Sylvan Beach. The major goal is, “the conservation and improvement of the desirable qualities of the Village through implementation or planning processes that serve to maintain a suitable balance of uses and densities while allowing for appropriate future development. Removal and implementation of the undesirable qualities of the Village, through implementation of planning policies and programs, will serve to complement the desirable qualities of the Village.” The Comprehensive Plan of the Village of Sylvan Beach identifies concept areas located within the village; it contains a discussion of residential components, beach resort area, community facilities and services, transportation; and it provides plans and implementation strategies. General use goals include the following:

- A distribution of types and densities of land use that meets the physical, social, cultural, and economic needs of the present and future residents and the needs of present and future tourists;
- A land use pattern that provides options for a variety of residential living environments, opportunities for recreation and culture, and desirable location of tourist and other resident-serving businesses;
- A land use pattern that is consistent with the capabilities of the street system, sewage disposal system, drainage facilities, public open space, and natural environmental systems; and
- A land use pattern that separates and ensures non-encroachment of incompatible types and densities of land use.

The Village of Sylvan Beach Zoning Ordinance was most recently updated in November 2005 by the Village Board of Trustees (Village of Sylvan Beach, 2005). The Zoning Districts Map for the Village of Sylvan Beach was adopted in May 1971. The Village of Sylvan Beach has several zoning districts identified in the Village of Sylvan Beach Zoning Ordinance and the Zoning Districts Map that are discussed below.

There are two residential zoning districts located in the Village of Sylvan Beach, the Residential (R-1) zoning district and the Residential (R-2) zoning district. The Residential (R-1) zoning district allows uses such as one and two-family dwellings, churches, schools, libraries, playgrounds, parks, and fire stations. The Residential (R-2) zoning district allows all of the uses in the Residential (R-1) zoning district as well as multiple-family

dwelling. The areas zoned R-1 and R-2 comprises a large portion of the area located within the Village of Sylvan Beach (Village of Sylvan Beach, 2005). These residential zoning districts are located in the center, northwest, and eastern portions of the Village of Sylvan Beach (Village of Sylvan Beach, 1971).

As shown on the Zoning Districts Map, business zoning districts comprise approximately one-third of the area in the Village of Sylvan Beach (Village of Sylvan Beach, 1971). The three different business zoning districts located throughout the Village of Sylvan Beach include the Business (B-1) zoning district, Business (B-2) zoning district, and Business (B-3) zoning district. The Business (B-1) zoning district permits all uses in the Residential (R-1) and (R-2) zoning districts, one and two-family and multiple family residential buildings, and a number of commercial and community facility uses including hotels/motels, tourist and rooming houses, restaurants, medical clinics, nursing homes, theaters, and other general retail facilities. The Business (B-2) zoning district permits all of the uses in the Business (B-1) zoning district in addition to new and/or used car lots. The Business (B-3) zoning district permits all uses in the Residential (R-2) zoning district in addition to mobile home parks and campgrounds, marinas and single mobile units on individual lots, and all Business (B-1) zoning district uses except new and/or used car lots.

The three other zoning districts in the Village of Sylvan Beach are the Amusement (A) zoning district, Public Parks (PP) zoning district, and Lakefront (L-1) zoning district. The Amusement (A) zoning district is located in the southwestern corner of the Village of Sylvan Beach, just north of the Erie Canal, west of Bridge Street, and along the eastern shore of Oneida Lake. Approximately five percent of the area located in the Village of Sylvan Beach is zoned A. There are two areas within the Village of Sylvan Beach that are located in the Public Parks (PP) zoning district. One of these areas is located on the south side of the Village of Sylvan Beach east of New Village Street and west of NYS Route 13. The second area is Van Der Linde Park, which is located on the west side of Harbor View Drive in the central portion of the Village of Sylvan Beach. This zoning district permits recreational uses in the Village of Sylvan Beach. The Lakefront (L-1) zoning district is located along the bank of Oneida Lake in the Village of Sylvan Beach.

The Village of Sylvan Beach was recently contacted for information regarding Nation owned parcels located within the village that could be non-compliant municipal land use plan and/or zoning regulations. To date, information regarding possible non-compliance of any or all Nation owned parcels located within the Village of Sylvan Beach has yet to be provided.

#### Nation Lands

##### *Group 1 Lands*

There are no Group 1 lands located within the Village of Sylvan Beach.

### *Group 2 Lands*

There is one parcel comprised of seven tax lots of Group 2 lands located in the Town of Vienna; this parcel is located entirely within the Village of Sylvan Beach. These tax lots are part of the Marinar's Landing Marina and have seasonal and year-round residential uses, a recreational vehicle park, a marina, and boat storage. The Comprehensive Plan of the Village of Sylvan Beach identifies this area as being in the Beach Resort District and part of the National Lake Neighborhood Area. The Comprehensive Plan of the Village of Sylvan Beach provides the following goal for the Beach Resort Area, "Attain an attractive an economically viable Beach Resort Area." Existing uses on Nation lands are consistent with the future land uses assigned by the Comprehensive Plan of the Village of Sylvan Beach.

The one parcel owned by the Nation is located within a Business (B-3) zoning district. The uses characterizing this Group 2 land is consistent with the municipal zoning of this Nation property. As mentioned in Section 3.2.4 Land Use, the marina was a pre-existing marina at the time of its acquisition by the Nation.

### *Group 3 Lands*

There are no Group 3 lands located within the Village of Sylvan Beach.

### **Town of Vernon**

The Town Board of Vernon adopted the Town of Vernon Comprehensive Plan in October 2005. This plan states that its primary purpose is to, "provide guidance to local officials and residents as they work to accommodate future physical growth and development of the community." The Town of Vernon Comprehensive Plan also addresses areas located within the Town of Vernon including the Village of Vernon, the Village of Oneida Castle, and the Hamlet of Vernon Center all of which are identified as activity centers (Town of Vernon, 2005). The Nation owns land located within both the Village of Vernon and the Village of Oneida Castle.

The Town of Vernon Comprehensive Plan provides community goals and objectives derived from public visioning sessions and public workshops. As stated in the document, "the Plan serves as a guide to Town officials but provides insight to all four of the municipalities as they engage in a coordinated approach to planning for the future". The Town of Vernon Comprehensive Plan addresses natural resources, historic resources, cultural resources, transportation, infrastructure, housing, community facilities, and economic development in the context of local land claims and issues with respect to community design. With respect to land use, the plan provides objectives for housing and rural residential development, agricultural land use, commercial, industrial, economic activities, entertainment and tourism, and community services and tourism.

The Town of Vernon Comprehensive Plan identifies that the goal for housing and rural residential development is "to encourage residential development that maximizes existing

and planned infrastructure capabilities within close proximity to population centers, which is compatible with the countryside, protects natural resources, maintains rural character and preserves open space.” Some of the objectives to achieve this goal for housing and rural residential development include the following:

- Utilize open space or cluster subdivisions to help protect the rural character of the Town of Vernon and to maintain tillable acreage in agricultural areas; and
- Discourage residential areas from encroaching into existing or planned agricultural and industrial areas.

In terms of agricultural land use, the Town of Vernon Comprehensive Plan identifies that the goal is “to support agriculture and viable farming as the primary economic activity in preserving the rural character and open space qualities of the community.” Some objectives offered to achieve this goal are the following:

- Encourage agriculture to continue as the primary economic activity in the Town of Vernon for an indefinite period or for as long as necessary to ensure that the farmer’s economic health is sustained;
- Reduce potential future development pressures on protected farmlands, prime farmland soils, and soils of statewide importance;
- Discourage commercial or industrial activity that does not compliment agricultural infrastructure or operations from locating in agricultural zone districts and encourage activity in close proximity to the City of Sherrill and the Village of Vernon.

When addressing commercial, industrial, and economic activities, the Town of Vernon Comprehensive Plan states that the goal is “to plan for service based commercial and industrial growth in, and around the major population centers to be better supported and to support the need for sound improvements to local water and sewer infrastructure.” Some of the objectives to achieve this goal are as follows:

- Encourage the appropriate types, scale, and character of desired commercial and industrial developments.
- Concentrate compatible mixed land uses onto relatively small lots, in close proximity to housing and consumers, in existing areas supported by water and wastewater facilities. The Village of Vernon and the City of Sherrill are concentrated areas particularly primed for this type of future development.
- Support economic development that employs local workers, provides family-supporting wages and benefits, and offers affordable goods and services.
- Encourage businesses that compliment existing economic activity or that can provide for an underserved economic demand in the area.

When addressing entertainment and tourism, the Town of Vernon Comprehensive Plan identifies that the goal is “to support Vernon Downs, Utica Speedway, the ongoing

industry at the Oneida Limited Site and the Oneida Nation Golf Course as the primary regional attractions that will bring visitors and tourists to the area for the betterment of the local economy.” To achieve this goal, the plan recommends the following:

- Recognize the importance of economic opportunities that can result by encouraging commercial and retail activity within a pedestrian (walking) proximity to Vernon Downs, Utica Speedway, and local commercial centers in the Village of Vernon and the City of Sherrill;
- Support tourism in the area by encouraging local businesses and facilities to better plan, coordinate, and expand tourism-related activities; and
- Encourage the development of ties between local farms and the visitor potential of Vernon Downs and Nation enterprises, through local tourism and economic development support services.

The community services and facilities goal of the Town of Vernon is to “provide a high standard of progressive government and emergency services to town property owners and residents while containing service costs to control tax impacts.” Some specific objectives are as follows:

- Promote the Town of Vernon as a quality community based upon the success of Vernon-Verona-Sherrill Schools and promote the district as a major component of the quality of life afforded in the town;
- Work with New York State officials to maximize safe and efficient egress from local emergency services facilities to major collectors; and
- Facilitate the availability of infrastructure necessary for local emergency services to maximize their ability to provide for public health and safety.

The Recommended Land Use Map identifies those land uses that the Town of Vernon Comprehensive Plan recommends throughout the town. Agriculture is the recommended land use for much of the Town of Vernon, with planned commercial/entertainment development and commercial-manufacturing uses limited to certain areas. Rural Hamlet uses are recommended for the Hamlet of Vernon Center and planned residential development is recommended for an area just east of the City of Sherrill.

The Town of Vernon Zoning Code, which was adopted in April 1981 and was last updated in April 2005, governs development in the Town of Vernon and The Village of Oneida Castle (Town of Vernon, 2005). The Village of Vernon has its own zoning code while the Village of Oneida Castle does not; therefore, the Village of Oneida Castle follows the Town of Vernon Zoning Code. The zoning districts and overlay districts identified in the Town of Vernon Zoning Code are discussed below.

The Town of Vernon has several zoning districts including the Agricultural (A) zoning district, Rural Hamlet (RH) zoning district, Residential (R-1) zoning district, Commercial

(C-1) zoning district, Commercial/Manufacturing (C-M) zoning district, and Planned Development (PD) zoning district. The purpose of the Agricultural (A) zoning district is to “maintain active farming areas while providing for limited low-density housing development primarily oriented to farm uses. All development should be planned to maintain as much as possible agricultural lands” (Town of Vernon, 2005). Agricultural (A) zoning districts comprise more than half of the area in the Town of Vernon and are generally located on the town’s periphery along the borders of the Towns of Verona, Westmoreland, and Augusta, as well as Madison County.

The purpose of the Rural Hamlet (RH) zoning district is to, “provide for clusters of moderate-density housing development while maintaining the generally rural character of the Town” (Town of Vernon, 2005). The Hamlet of Vernon Center located in the Town of Vernon is zoned RH. The purpose of the Residential (R-1) zoning district is to “provide for moderate-to-high density housing development in or adjacent to existing cities, villages or hamlets. Also, to provide for small-scale commercial services necessary for residential areas” (Town of Vernon, 2005). The Residential (R-1) zoning district comprises approximately five percent of the area located within the Town of Vernon. Areas that are zoned R-1 are located directly adjacent to and north of the Village of Oneida Castle, west of the City of Sherrill, adjacent to and north of the Village of Vernon, and west of the Village of Vernon.

The purpose of the Commercial (C-1) zoning district is to “provide for significant commercial expansion within the Town which is in close proximity to existing commercial centers” (Town of Vernon, 2005). Areas zoned C-1 are located in the eastern portion of the Village of Vernon. As indicated in the Town of Vernon Zoning Code, the purpose of the Commercial/Manufacturing (C-M) zoning district is to, “provide for the industrial expansion within the town and to allow this to occur with compatible large-scale commercial operations” (Town of Vernon, 2005). Two areas zoned C-M are located within the Town of Vernon, one of these areas is adjacent to and east of the Village of Vernon and the other is in the southern portion of the town near the Town of Augusta line. The Planned Development (P-D) zoning district is intended to, “provide for development of generally large-scale, new and innovative projects where one or more types of uses may be within a single project” (Town of Vernon, 2005). An area zoned PD is located south of the Village of Vernon.

The two overlay districts located in the Town of Vernon are the Planned Development District Entertainment and Tourism (PDET) overlay district and the Land Conservation (L-C) overlay district. The Planned Development District Entertainment and Tourism (PDET) overlay district was established for developments, “in which the principal activities include indoor and outdoor recreation and entertainment that relate to tourism activities or events” (Town of Vernon, 2005). A PDET overlay district is located directly south of the Village of Vernon. The Land Conservation (L-C) overlay district is intended

to, “preserve and protect floodplains and wetlands within the town to ensure against loss of life and property from flooding, to maintain areas as natural stormwater retention basins, to maintain and improve water quality and to maintain natural areas of wildlife and human aesthetic enjoyment” (Town of Vernon, 2005). The Land Conservation (L-C) overlay district is located at Vernon Downs, which is the site of a casino entertainment resort and harness race track.

The Town of Vernon, as well as the Village of Vernon, was recently contacted for information regarding Nation lands located within the municipalities relative to consistency with the town’s land use plan and/or zoning regulations. To date, information from the Town of Vernon regarding possible non-compliance of any or all Nation lands within the municipalities has yet to be provided.

#### Nation Lands

##### *Group 1 Lands*

There are 15 parcels comprised of 19 tax lots of Group 1 lands located in the Town of Vernon. The Group 1 lands are clustered in the northern portion of the Town of Vernon, near the town line and east of Verona Road. These properties include the Atunyote Golf Course, active and undeveloped agricultural uses, vacant residential uses, and pastures. The Recommended Land Use Map recommends planned commercial/entertainment development, commercial, commercial-manufacturing, and agricultural land uses for those Group 1 lands. Some of these areas are identified as being part of the Land Conservation (L-C) overlay district. The Town of Vernon Comprehensive Plan contains provisions for continued development within the town. The existing uses are consistent with the future land uses assigned by the Town of Vernon Comprehensive Plan.

Group 1 lands appear to be located within the Agricultural (A) zoning district, Rural Hamlet (RH) zoning district, Residential (R-1) zoning district, and Commercial/Manufacturing (C-M) zoning district. A comparison of land use and zoning data in Appendix G indicates that the uses characterizing these Group 1 lands are consistent with the municipal zoning of Nation owned properties.

##### *Group 2 Lands*

There are ten parcels comprised of 13 tax lots of Group 2 lands located in the Town of Vernon, which includes five tax lots located in the Village of Vernon. Group 2 lands are scattered throughout the Town of Vernon and they are utilized for active residential structures, pastures, telecommunications, agricultural uses, and commercial and office uses.

Group 2 lands are generally located in the western portion of the Town of Vernon near and along Cooper Street. Group 2 lands in the Town of Vernon are utilized for single-family residential uses including Nation member housing, commercial and office uses including Four Directions Production, telecommunication facilities, Standing Stone

gaming, government services and administration offices such as a warehouse/storage facility, active and vacant agricultural land, pastures, and undeveloped land. The land uses recommended for the Group 2 lands in the Town of Vernon Comprehensive Plan includes residential and agricultural uses. Some of these lands are located within areas designated by the plan as being part of the Land Conservation (L-C) overlay district. Existing uses by the Nation are generally consistent with the future land uses assigned by the Town of Vernon Comprehensive Plan.

Within the Town of Vernon outside of the Village of Vernon, Group 2 lands are located in the Agricultural (A) zoning district. There are 13 Group 2 lands located within the Town of Vernon of which the use on one, as listed in Appendix G, is considered to be inconsistent or nonconforming with existing municipal zoning regulations. This property is used for storage and warehouse purposes. However, a comparison of land uses and municipal zoning in Appendix G indicates that the uses characterizing these Nation lands are primarily consistent with the municipal zoning of Nation owned properties.

#### *Group 3 Lands*

There are four parcels comprised of five tax lots of Group 3 lands located in the Town of Vernon that are utilized for active and inactive agriculture. Group 3 lands located in the Town of Vernon include pastures and agricultural uses. The Town of Vernon Comprehensive Plan states that provisions should be made for the continuation of agriculture as the primary economic activity in the town and recommends agricultural uses and residential development for those properties. Existing uses on Nation lands are, therefore, consistent with the future land uses assigned by the Town of Vernon Comprehensive Plan.

Group 3 lands are located in the Agricultural (A) zoning district. The uses characterizing these Group 3 lands are consistent with the intent of the municipal zoning of Nation owned properties.

#### ***Village of Vernon***

The Village of Vernon does not have a comprehensive plan or public policy for growth (Verbal communication, March 2006).

The Village of Vernon Zoning Code was most recently adopted in 1991 and governs development in the Village (Village of Vernon, 1991).

The Village of Vernon has several zoning districts including the Residential (R-1) zoning district, Residence Transition (R-T) zoning district, Business (B-1 and B-2) zoning districts, Manufacturing (M-1) zoning district, Planned Mobile Home (P-M) zoning district and Planned Development (PD) zoning district. There are also two overlay districts within the Village: Overlay Design Review Area and Overlay Flood Area. The purpose of the Residential (R-1) zoning district is to “delineate those areas where predominantly

residential development has occurred or will be likely to occur in accordance with the Village Plan, to improve the character of residential areas by requiring standards of land use and lot and building size which accurately reflect existing and desirable development and to protect the integrity of residential area by prohibiting the intermixture of incompatible nonresidential uses” (Village of Vernon, 1991). The Residential (R-1) zoning district is located in the western and northern portions of the Village of Vernon. Uses permitted as-of-right in the R-1 zoning district include one and two-family dwellings, religious institutions, schools, libraries, public parks, playgrounds, fire stations and medical buildings. Residence Transition (RT) zoning districts are located within the central portion of the Village of Vernon, both north and south of Seneca Street. The purpose of the RT zoning district is to “delineate an area or areas which are appropriate for multifamily residences or for businesses or professional offices, churches, institutions, public schools or public libraries” (Village of Vernon, 1991). Uses permitted as-of-right in the RT zoning district include all uses permitted in an R-1 zoning district as well as three and four-family residential dwellings, multi-family dwellings and condominiums, and businesses and professional offices.

Business (B-1) zoning districts are located predominantly in the central portion of the Village of Vernon. The purpose of the B-1 district is to “delineate an area where retail stores, personal services and offices; recreational, institutional and cultural facilities; and municipal buildings and services are provided for the community” (Village of Vernon, 1991). Uses permitted as-of-right include those uses permitted in the R-1 district as well as three and four-family dwelling units, multi-family dwelling units and condominiums, professional and governmental offices, general retail establishments, banks, theaters, pool halls, hotels and motels, funeral homes, storage garages, and restaurants. Business (B-2) zoning districts are located throughout the Village of Vernon, though the largest area straddles Seneca Street in the eastern portion of the village. The purpose of the B-2 district is to “delineate an area for commercial uses which generally require large lots, buildings and structures with appropriate access to highway transportation, and uses which are intended for service to vehicles or for non-retail commercial uses” (Village of Vernon, 1991). Uses permitted as-of-right include those uses permitted in the B-1 district as well as printing, heating plumbing and electrical shops, automotive uses, lumber yards, greenhouses and nurseries, bowling alleys, skating rinks, and laundry and dry cleaning establishments.

Manufacturing (M-1) zoning districts are located predominantly in the north central and eastern portions of the Village of Vernon. The purpose of the M-1 district is to “delineate those areas best suited for industrial use because of location, transportation, topography, existing facilities and relation to other land uses” (Village of Vernon, 1991). Uses permitted as-of-right include those nonresidential uses permitted in the B-2 district as well as industrial uses, wholesale storage and warehouses, municipal or public utility shops and storage yards, food lockers, and mobile home sales.

The purpose of the Planned Development (PD) zoning district is to “provide a means for the development of residential, business, commercial, manufacturing, recreational or park area, or a combination thereof, in a manner which will permit flexible and imaginative design concepts to be utilized and, by means of adequate supervision and control by the spirit and intent of this Zoning Chapter will be preserved” (Village of Vernon, 1991). Planned Mobile Home (PM) Zoning Districts ensure that mobile home districts are present within the Village of Vernon.

Overlay Design Review Areas are located in the central portion of the Village of Vernon, both north and south of Seneca Street. The purpose of this district is to “encourage preservation of important business, semipublic and transitional residential areas of the Village, including the preservation of buildings of architectural or historical importance and the appropriate and compatible location and design of new or altered structures or signs” (Village of Vernon, 1991). Overlay Flood Areas are located in the eastern areas of the Village of Vernon. The purpose of this district is to “delineate special flood hazard areas defined by the Federal Emergency Management Agency (FEMA) Flood Hazard Boundary Maps” (Village of Vernon, 1991).

Within the Village of Vernon, Group 2 lands are located in the Residential (R-1) zoning district, Business (B-2) zoning district and Manufacturing (M-1) zoning district. The uses characterizing these Group 2 lands are consistent with the municipal zoning of Nation owned properties.

### **City of Sherrill**

Public policy for land use, zoning, and development for the City of Sherrill is addressed in the Town of Vernon Comprehensive Plan. The City of Sherrill does not have a current Master Plan (Holmes, telephone conversation March 2006; Holmes, written correspondence April 7, 2006).

The City of Sherrill Zoning Law, which was adopted by the City Commission of the City of Sherrill and was last amended in January 1989, governs development in this municipality (City of Sherrill, 1989). The City of Sherrill Zoning Law establishes six zoning districts that are illustrated on the City of Sherrill Zoning Map that include the Residential (R-1) zoning district, Residential (R-2) zoning district, Commercial (C-1) zoning district, Commercial (C-2) zoning district, Manufacturing (M-1) zoning district, and Planned Manufacturing (M-P) zoning district. These zoning districts are discussed below.

Additionally, in October 2005 the Nation entered into an agreement with the City of Sherrill, pursuant to *City of Sherrill v. Oneida Indian Nation*, 125 S.Ct. 1478 (2005), under which the Nation agreed to meet or exceed City of Sherrill health, safety, zoning and signage standards and regulations generally applicable to properties located in the City of Sherrill (See Appendix G). In addition, for five years from the date of execution of

the agreement, all non-compliant properties are considered conforming uses. This agreement can be renewed for successive five year terms.

There are two residential zoning districts located in the City of Sherrill. Residential uses such as one-family dwellings as well as non-residential uses including farms, places of worship, schools, and parks are permitted in Residential (R-1) zoning districts. Most of the area located in the City of Sherrill is zoned R-1. Residential (R-1) zoning districts are located on the east and west sides of the City of Sherrill. Residential uses such as one, two, three, and four-family dwellings as well as non-residential uses including schools, places of worship, and philanthropic institutions are permitted in Residential (R-2) zoning districts. Areas zoned R-2 are located in the center and in the northeast corner of the City of Sherrill.

There are two commercial zoning districts located in the City of Sherrill. The uses permitted in residentially-zoned districts as well as banks, firehouses, retail stores, restaurants, laundromats, and business signs are permitted in Commercial (C-1) zoning districts. There are two areas zoned C-1 in the City of Sherrill, one is located in the northeastern portion of the City of Sherrill near NYS Route 5 just east of the Town of Vernon while the other is located in the south central portion of the city north of the City of Oneida and west of Sherrill Road. The Commercial (C-2) zoning district permits the same uses allowed in a Commercial (C-1) zoning district in addition to gasoline stations, bowling alleys, recreation halls, printing and publishing facilities, light manufacturing, and public garages. Commercial (C-2) zoning districts are located along NYS Route 5 in the northwest and north central portion of the City of Sherrill.

There are two manufacturing districts located in the City of Sherrill. The Manufacturing (M-1) zoning district permits all non-residential buildings, structures, and uses allowed in the residential and commercial zoning districts in addition to any other trade or industry subject to initial and continued compliance with performance standards as prescribed in Article 5 of the City of Sherrill Zoning Law. Manufacturing (M-1) zoning districts are located in the northern and southern portions of the City of Sherrill. The Planned Manufacturing (M-P) zoning district is intended to provide a means for the establishment of a community of industries developed according to a comprehensive plan, so located as to be compatible with surrounding areas and uses and to contribute to the economic growth of the City of Sherrill. Manufacturing uses, development or research centers, public utilities stations, printing plants, warehouses, and planned shopping centers are permitted as-of-right in areas zoned M-P. A Planned Manufacturing (M-P) zoning district is located in the northeast portion of the City of Sherrill.

#### Nation Lands

##### *Group 1 Lands*

There are no Group 1 lands located within the City of Sherrill.

### *Group 2 Lands*

There are six parcels comprised of nine tax lots of Group 2 lands located within the City of Sherrill. These parcels include the Standing Stone retail commercial businesses, residential structures including Nation member housing, agricultural uses, convenience stores, and a SavOn gas station and convenience store that are located to the north and south of NYS Route 5. There is no municipal master plan to enable a comparison.

Group 2 lands are located within a Commercial (C-2) zoning. A comparison of land use and zoning data in Appendix G indicates that the uses characterizing these Group 2 lands are consistent with the municipal zoning of Nation owned properties. Moreover, information provided by the City of Sherrill indicates that the Nation businesses located within the city are consistent with its zoning regulations (Sacks, Personal Communication, January 27 and February 27, 2006).

### *Group 3 Lands*

There are two parcels comprised of two tax lots of Group 3 lands located within the City of Sherrill. Properties in this group are comprised of vacant residential uses and are located both to the north and south of NYS Route 5. There is no municipal master plan to enable a comparison.

Group 3 lands are located within a Commercial (C-2) zoning. The uses characterizing these Group 3 lands are consistent with the intent of the municipal zoning governing adjacent non-Nation properties as indicated in the discussion of Group 2 lands within the City of Sherrill. Information provided by the City of Sherrill indicates that the Nation businesses located within the city are consistent with its zoning regulations (Sacks, Personal Communication, January 27 and February 27, 2006).

### **Town of Augusta**

The Town of Augusta and the Village of Oriskany Falls adopted the General Plan of the Town of Augusta and the Village of Oriskany Falls in August 1972 (Town of Augusta, 1972). The proposals and forecasts made within this plan were officially aimed at the year 1990. No amendments or updates to the General Plan of the Town of Augusta and the Village of Oriskany Falls were enacted. This plan provides an introduction and analysis of existing conditions in the Town of Augusta, the Hamlets of Knoxboro and Augusta, and the Village of Oriskany Falls and includes a discussion of the community's history, a land use plan, a transportation plan, a rural land use plan, and background reports. Additionally, the general plan recommendations for the planning area are presented in the plan that includes commercial development, traffic and transportation improvements, and rural land use.

The Town of Augusta Zoning Map was adopted as part of the Town of Augusta Zoning Ordinance on May 5, 1973. This map has been amended three times since then in January 1986, August 1989, and June 1998 (Town of Augusta, 1998). One village and two

hamlets are located within the Town of Augusta. The zoning districts identified in the Town of Augusta Zoning Ordinance are discussed below.

There is one agricultural zoning district and one commercial zoning district in the Town of Augusta. Agricultural (A-1) zoning districts comprise the largest area (approximately 75 percent) within the Town of Augusta and are located outside of the two hamlets along the northern, eastern, southern, and western town borders. Agricultural uses as well as single family dwellings, public parks, individual mobile homes, and mobile home parks are permitted in the Agricultural (A-1) zoning district. Commercial (C-1) zoning districts comprise relatively small areas within the Town of Augusta and are located in the Hamlets of Knoxboro and Augusta. Retail and commercial office establishments, including food and liquor stores, general stores, tailors, locksmiths, repair stores, stationary stores, and certain other commercial and services uses are permitted in Commercial (C-1) zoning districts.

There are two residential zoning districts located in the Town of Augusta. Residential uses such as single-family dwellings, two-family owner-occupied dwellings, churches and similar houses of worship, public parks, and individual mobile homes are permitted in the Residential (R-1) zoning district. The Residential (R-2) zoning district permits all uses allowed in the Residential (R-1) zoning district and livestock for domestic home use. The Residential (R-1) zoning district is located in the southeastern portion of the Town of Augusta along the boundary with the Village of Oriskanny Falls and Madison County. Residential (R-2) zoning districts are located in the Hamlets of Knoxboro and Augusta.

There are two industrial zoning districts designated in the Town of Augusta. The purpose of the Industrial (I-1) zoning district is “to delineate areas best suited for industrial development because of location, topography, existing facilities and relationship to other land uses”, (Town of Augusta, 1998). Manufacturing uses, farm uses, warehouses, distribution plants, wholesale businesses, and lumber yards are permitted in the Industrial (I-1) zoning district. However, according to the Town of August Zoning Map, there are no areas located within the town that are zoned I-1. The purpose of the Industrial (I-2) zoning district is “to delineate areas of the Town best suited for the extraction of natural mineral deposits and resources from the ground, and for industrial processes necessary for the extraction and processing of such natural mineral resources, by reason of location, existing facilities in relationship to other existing land uses” (Town of Augusta, 1998). The Industrial (I-2) zoning district is located in the southeastern portion of the Town of Augusta, north of the Village of Oriskanny Falls and west of the Town of Marshall.

The Town of Augusta was recently contacted for information regarding Nation lands located within the town relative to consistency with its land use plan and/or zoning regulations. To date, information from the Town of Augusta regarding possible non-compliance of any or all Nation lands located within its borders has yet to be provided.

Nation Lands

*Group 1 Lands*

There are no Group 1 lands located within the Town of Augusta.

*Group 2 Lands*

There are two parcels comprised of four tax lots located within the Town of Augusta; these parcels contain vacant residential uses. These four tax lots are located at the intersection of NYS Route 26, Oliver Road, Augusta Solsville Road, and Griffiths Road. The map in the General Plan of the Town of Augusta and the Village of Oriskany Falls identifies the area within which the Group 2 lands are located as a commercial concentration within the urban development area. Although no specific recommendations are made for the location of these Group 2 lands, the General Plan of the Town of Augusta and the Village of Oriskany Falls states that provisions should be made for expanded residential development around the Hamlet of Augusta. Existing uses on Nation lands are consistent with the future land uses assigned by the General Plan of the Town of Augusta and the Village of Oriskany Falls.

Group 2 lands in the Town of Augusta are located in a Commercial (C-1) zoning district. The uses characterizing these Group 2 lands are consistent with the municipal zoning of these Nation owned properties.

*Group 3 Lands*

There is one parcel comprised of two tax lots of Group 3 lands located within the Town of Augusta that are utilized for pastures and agricultural purposes, and for housing for the staff that work on these agricultural properties. These two tax lots are located to the north of Knoxboro Road. The map in the General Plan of the Town of Augusta and the Village of Oriskany Falls identifies the area within which the Group 3 lands are located as a commercial concentration within the urban development area. No specific recommendations are made for the location of the Group 3 lands. Existing uses on Nation lands are consistent with the future land uses assigned by the General Plan of the Town of Augusta and the Village of Oriskany Falls. Group 3 lands in the Town of Augusta are located in an Agriculture (A-1) zoning district. The uses characterizing these Group 3 lands are consistent with the municipal zoning of these Nation owned properties.

**City of Rome**

Although Nation lands are not located within the City of Rome, these lands are located within the Study Area, which includes an area within a 1,000-foot radius from Nation lands. Therefore, a description of Land Use Plans in the City of Rome is provided. The City of Rome has a Comprehensive Master Plan, which was adopted in 2004 by the City Common Council, which provides a set of nine goals and an action plan which provides guidance regarding future policy and development decisions for city leaders to consider. The community goals include a stable tax base, a business friendly community, a modern workforce, housing of choice, twenty-first century infrastructure, a healthy community

and environment, and rich urban amenities. However, because Nation lands are not located within the City of Rome, there is no basis with which to enable a comparison.

As stated, Nation lands are not located within the City of Rome. However, because some properties are located within a 1,000-foot radius of Nation lands in the northern part of the Town of Verona, an assessment of zoning in the section of the City of Rome located within the Study Area is provided. The City of Rome Zoning Code was adopted by the City of Rome Common Council on April 28, 2004 (Ordinance 7802) (City of Rome, 2004). The City of Rome zoning districts that are located in the closest proximity to Nation lands in the Town of Verona are the Rural Residential (R-R) zoning district and the Preservation Zone (P-Z) zoning district, which are discussed below.

The City of Rome Zoning Code establishes five different residential zoning districts including the Single-family Residential (R-1) zoning district; the Single-family, Small-lot Residential (R-2) zoning district; the Multi-family Residential (R-3) zoning district; the Residential Professional (R-P) zoning district; and the Rural Residential (R-R) zoning district. The Rural Residential (R-R) zoning district was intended to, “provide for low density rural residential development with some agricultural uses permitted in order to provide for rural residential living and preserve open space and rural character in the outer district” (City of Rome, 2004). This zoning district permits detached single-family dwellings, state-certified modular dwellings, publicly-owned schools, government structures or uses, churches and religious institutions, while farms, nurseries, greenhouses and similar agricultural uses, seasonal roadside stands, animal kennels, family day care homes, and certain other uses are permitted as accessory uses.

The Preservation Zone (P-Z) zoning district, as indicated in the City of Rome Zoning Code, “is designed to protect land from current development where soil, water and access conditions make beneficial development possible only under special conditions. The characteristics of the topography, drainage, floodplains and other natural characteristics of land in this zoned may cause damage to buildings or structures and possible danger to health due to the processes of nature. All development of the land within this district shall be reviewed on an individual basis in order to ensure that the land is capable of supporting the proposed development and to further ensure that the environment is protected before such proposed development commences” (City of Rome, 2004). Uses permitted in the Preservation Zone (P-Z) zoning district include the residences that were located within the area prior to its establishment as a zoning district; passive recreation facilities, farms, nurseries, greenhouses, stormwater retention/detention ponds, boat launches, and other uses permitted by special permit; and permitted accessory uses including private garages or carports, family day care homes, group family day care, seasonal storage for recreational vehicles, and other uses.

Group 2 and 3 lands within the 1,000-foot radius of the City of Rome are located in the Town of Verona. These lands are utilized for Nation housing and inactive wooded areas. The uses characterizing these Group 2 and 3 lands are generally consistent with the intent of the municipal zoning governing adjacent non-Nation properties.

### **Town of Westmoreland**

Areas in the northwest part of the Town of Westmoreland are located within the Study Area, therefore, a description of zoning districts in the Town of Westmoreland that are located within the Study Area is provided. The Town of Westmoreland Comprehensive Plan dated October 1995 provides recommendations for development and land use within the town. However, because Nation lands are not located within the Town of Westmoreland, there is no basis with which to enable a comparison.

As stated, Nation lands are not located in the Town of Westmoreland. However, because some properties are located within the 1,000-foot radius of Nation lands located within the Town of Verona, an assessment of zoning in the portion of the Town of Westmoreland located within the Study Area is provided. The Town of Westmoreland Zoning Ordinance was adopted in August 1964. This ordinance has since been revised and was re-issued in January 2005 (Town of Westmoreland, 2005).

The zoning district in the Town of Westmoreland that is located in the closest proximity to Nation lands in the Town of Verona is the Residential One-Family (R-3) zoning district. The Residential One-family (R-3) zoning district permits detached one-family dwellings, churches or similar places of worship, public parks and playgrounds, public and private elementary schools and high schools, and fire stations or other public services. The following uses are also permitted in this zoning district once a Special Use Permit is obtained from the Zoning Board of Appeals: two-family houses, riding stables, and temporary fruit stands.

Group 3 lands located within the 1,000-foot radius of the Town of Westmoreland are in the Town of Verona and are utilized for inactive agricultural land. The uses characterizing these Group 3 lands are generally consistent with the intent of the municipal zoning governing adjacent non-Nation properties.

### **3.8.6.3 Madison County Land Use Plans and Zoning**

The land use plans and zoning discussions below provide a brief assessment of existing and proposed land use plans for each community within Madison County in which Nation lands are located. The zoning discussion below provides a brief assessment of permitted uses, special permit uses, conditional uses, and the purposes of each zoning district as identified by each municipality located in Madison County. The lists of permitted land uses, special permit uses, and conditional uses are not meant to be exhaustive or comprehensive, but rather are intended to provide a general understanding of the types and intensities of uses permitted by the zoning regulations within each municipality.

Additional bulk, height, use, zoning, parking, and developmental regulations pertaining to each municipality and can be reviewed in the individual zoning or land use law that are referenced in the text.

It should be noted that Madison County has recently adopted an Agriculture and Farmland Protection Plan and has identified the importance of incorporating farmland protection into local planning and zoning laws (Madison County Farmland Protection Board, 2005). Accordingly, Madison County plans to encourage municipalities to adopt zoning laws featuring districts that serve to protect agricultural land uses. In addition, Madison County intends to facilitate the development of municipal comprehensive development plans that are conducive to both agriculture and agri-business.

### **City of Oneida**

The City of Oneida Comprehensive Plan was adopted in September 2005 (City of Oneida, 2005). This plan provides a community profile and action items to help achieve those goals and objectives identified within it. The City of Oneida Comprehensive Plan identifies the following as its goals:

- Provide a transportation system that alleviates congestion while providing adequate provisions for pedestrians;
- Upgrade and maintain the City of Oneida's infrastructure;
- Reestablish the downtown as the City of Oneida's central business district;
- Provide a variety of high quality housing opportunities;
- Improve land management by updating the City of Oneida's Zoning Ordinance;
- Develop a focused city-wide economic development plan; and
- Utilize potential and existing recreational and educational facilities to support opportunities for youth and area residents.

Additionally, the City of Oneida adopted a Downtown Strategic Plan in January 2002. This plan provides planning and land use strategies, an assessment of existing land use conditions, results of a parking and streetscape zoning analysis, a housing needs analysis, a master concept plan, implementation strategies for the downtown business districts, and guidelines for future concentrated community development activity. The Downtown Strategic Plan identifies target areas in the downtown and it states the goals for this area of the City of Oneida which includes the following:

- To improve the appearance of the downtown;
- To improve the existing housing conditions and expand housing options;
- To bolster the downtown area of the City of Oneida's role as a regional business and employment hub;
- Create a unique downtown experience by creative development of areas east of Main Street for specialty retail, entertainment and complementary uses; and

- To enhance multi-generational recreational opportunities.

Additionally, in March 2006 the Nation entered into an agreement with the City of Oneida under which on those parcels owned or acquired by the Nation that are located within the city, the Nation agreed to enforce standards that will meet or exceed the City of Oneida's land use, zoning, and comprehensive plan standards and other rules generally set forth in the City Code. The agreement states that, "The Nation will enact ordinances and/or standards that provide for future development of its parcels in the City to be pursued in a manner consistent with the City's comprehensive plan as it exists on the date of this Agreement, until the parcel(s) are conveyed into trust by the United States for the benefit of the Nation or set aside by the United States for the Nation in the future by or pursuant to Federal statute, whichever is earlier." (Agreement between City of Oneida and the Nation). The Nation also agreed to, "Undertake reasonable efforts to have future development comport with the City's comprehensive plan as it exists on the date of this Agreement and with the new zoning ordinance which is anticipated to be enacted in the near future." (Agreement between City of Oneida and the Nation). According to the agreement, the City of Oneida agreed that this does not limit the right of the Nation to have and to enforce public health, safety, and other standards that exceed those of the city.

The Village of the White Pines member housing complex is located in an A zone. While this zone permits residential uses as-of-right, it permits only single-family and two-family residential uses. Therefore, the parcels containing this housing development are presently partially inconsistent with the zoning rules and regulations governing the area in which it is located. However, under the agreement between the Nation and the City of Oneida, the complex as well as any other non-conforming use in the City, is considered a conforming use. This agreement is effective until at least 2010 or when the lands are conveyed into trust.

The City of Oneida adopted a City Code and is not governed by county or town land use or zoning regulations. The City Zoning Code, which is part of the City Code, was adopted by the Common Council of the City of Oneida on May 22, 1979 and was amended multiple times, most recently on February 18, 1992 (City of Oneida, 1992). The City Zoning Code is in compliance with the findings and objectives of the City of Oneida Comprehensive Plan.

There are several zoning districts located in the City of Oneida. The Agricultural (A) zoning district comprises approximately 75 percent of the area in the City of Oneida. Agricultural (A) zoning districts are found in most of the area outside the downtown area of the City of Oneida. There are three different residential zoning designations in the City of Oneida; these zoning districts comprise approximately 10 percent of the area in the City of Oneida. The Residential (R1) zoning district permits single-family residential dwellings while mobile dwellings for farm use are conditionally permitted. There are four areas zoned R1 in the City of Oneida. The largest area zoned R1 is located in the southeastern

portion of the City of Oneida along NYS Route 46/Glenwood Avenue. There is another area zoned R1 bordering the City of Sherrill and another small area bordering the Town of Lenox. The fourth area zoned R1 is located in the downtown area on both sides of Genesee Street. The Residential (R2) zoning districts permit single and two-family houses as well as duplexes, with nursing homes being conditionally permitted. There are four areas zoned R2 within the City of Oneida; the majority of land in Residential (R2) zoning districts is located in the downtown area of the City of Oneida.

The Residential (R3) zoning district allows for single, two, three, and four-family dwellings and duplexes. The four areas zoned R3 also are located in the downtown area of the City of Oneida. The Planned-Residential (R-P) zoning district permits conditionally all those uses permitted as-of-right or conditionally in residential zoning districts, and all uses require a Special Use Permit. One area in the City of Oneida is zoned RP and is located to the south of Genesee Street in the downtown area of the city.

The Commercial (C) zoning district permits retail stores, offices, financial institutions, home businesses, gas stations, existing dwellings, and other commercial and retail uses. Commercially-zoned areas are located along the main highways and the urbanized areas of the City of Oneida. Commercial (C) zoning districts are located mainly in two areas in the City of Oneida, both north and south of Genesee Street in the western portion of the city and along the area of the downtown portion of the city near the intersection of NYS Route 46 and Genesee Street. There are other smaller pockets of areas with a Commercial C zoning district designation within the downtown portion. The Business (B) zoning district permits as conditional uses those uses which are permitted as-of-right under the Residential (R3) zoning district. There are no uses permitted by right in the Manufacturing-Industrial (M-I) zoning district, all uses are conditional and, therefore, require a Special Use Permit from the City of Oneida's Planning Commission including uses permitted in the Commercial (C) zoning district as well as light manufacturing, assembly uses, research centers, bottling plants, junkyards, and other industrial uses. The Light-Manufacturing (L-I) zoning district permits cultural facilities as-of-right. However, all other uses, which in essence mirror those uses allowed in the M-I zoning district, require a Special Use Permit from the City of Oneida's Planning Commission

The City of Oneida was recently contacted for information regarding Nation lands located within its borders relative to consistency with the city's land use plan and/or zoning regulations. To date, information from the City of Oneida regarding possible non-compliance of any or all Nation lands located within the city has yet to be provided. However, under the agreement between the Nation and the City of Oneida, non-conforming properties identified in Appendix G are considered conforming.

Nation Lands

*Group 1 Lands*

There are no Group 1 lands located within the City of Oneida.

*Group 2 Lands*

There are 35 parcels comprised of 40 tax lots of Group 2 lands located within the City of Oneida. These Group 2 lands include the Oneida Nation Cultural Center, burial grounds, SavOn gas stations and convenience stores, pastures, active and undeveloped farmland, the Village of the White Pines Nation member housing, an educational facility, a fitness center, active and vacant residential structures, vacant and undeveloped parcels, commercial uses, warehouses, and community facilities. Existing uses of Nation lands are generally consistent with the future land uses assigned by the City of Oneida Comprehensive Plan.

Group 2 lands in the southeastern portion of the City of Oneida are located within the Agricultural (A) and Residential (R1) zoning districts. There is also one parcel located in the northeastern portion of the City of Oneida that is in a Residential (R3) zoning district. Parcels located to the west of Glenwood Avenue are located within the Agricultural (A) zoning district. In addition, multiple parcels located in the central portion of the City of Oneida near Lenox Avenue, multiple parcels located just north of Seneca Avenue/Genesee Street, and two parcels located in the northeastern portion of the city on both sides of NYS Route 365 are located in the Manufacturing-Industrial (M-I), Light Industrial (L-I), Commercial (C), and Residential (R2) zoning districts.

Within the Manufacturing-Industrial (M-I) zoning district, Nation lands are utilized for area shopping centers, wholesale storage and distribution centers, and vacant commercial land. These uses are consistent with municipal zoning for those areas. Within the Light-Industrial (L-I) zoning district, Nation lands are utilized for SavOn gas stations and convenience stores. These uses are consistent with municipal zoning regulations for those areas. In the Commercial (C) zoning district, Nation lands are utilized for SavOn gas stations and convenience stores as well as wholesale distribution facilities and are consistent with the permitted uses in the municipal zoning for those areas.

In the Residential (R3) zoning district, there are active residential uses that are generally consistent with the municipal zoning for this area. In the Residential (R2) zoning district, there is the Nation Member Services Department, the Nation communications/media relations office as well as active residential uses that are generally consistent with the municipal zoning for this area. In the Residential (R1) zoning district, there are active and vacant residential uses as well as agricultural uses that are generally consistent with the municipal zoning for this area.

Within the Agricultural (A) zoning district, there are varied uses consisting of active and vacant agricultural uses, Nation member housing including the Village of the White Pines

member housing complex, other active residential uses, pastures, areas for hunting and fishing, Nation government services offices, and historical burial grounds. In some cases, the residential uses are consistent with the municipal zoning for this area, though the Village of the White Pines Nation member housing complex is only partially compliant. However, as a result of the agreement between the Nation and the City of Oneida, the Village of the White Pines Nation member housing complex, as well as other non-conforming uses in the city, is considered a conforming use.

There are 40 Group 2 lands located within the City of Oneida of which uses on 11, as listed in Appendix G, are considered to be inconsistent or nonconforming with existing municipal zoning regulations. These include lands which are used for agricultural, commercial office and residential/multi-purpose or multi-structural use. However, a comparison of land uses and municipal zoning in Appendix G indicates that the uses characterizing these Nation lands are primarily consistent with the municipal zoning of Nation owned properties.

#### *Group 3 Lands*

There are four parcels comprised of five tax lots of Group 3 lands located within the City of Oneida. These Group 3 lands are located just to the west of Glenwood Avenue and generally include active agricultural uses, active and vacant residential uses, and vacant industrial uses including a 99-acre inoperative sand and gravel pit. Existing uses of Nation lands are consistent with the future land uses assigned by the City of Oneida Comprehensive Plan.

Group 3 lands are located within the Agricultural (A) and Residential (R1 and R2) zoning districts. Based on land use and zoning data compiled in Appendix G, the uses characterizing these Group 3 lands are consistent with the municipal zoning district designations of Nation lands.

#### **Town of Lenox**

The Town of Lenox has not adopted a Master or Comprehensive Plan; however, the Town of Lenox and the Villages of Canastota and Wampsville prepared planning studies in the 1950's and 1960's that include surveys and assessments of these communities (Bryan Gazda personal communication, February 15, 2006; Town of Lenox, July 1959; Town of Lenox, September 1960). The planning studies provide a review and analysis of existing conditions of zoning, streets and highways, community characteristics, business districts, housing, and community facilities, and proposed capital improvements in addition to other elements of the community. Additionally, the planning studies provide an assessment of existing land uses at the time of their preparation. These planning studies emphasize the importance of agriculture and the future significance of seasonal housing in the community and note that agriculture was the predominant land use (Town of Lenox, September 1959). One of the studies proposed in the 1950's and 1960's was the

Community Facilities, Public Utilities, and Development Plan Study that contains recommendations for land use in the Village of Canastota.

The Town Code for Lenox was adopted by the Town Board on December 10, 1984 as Local Law 5-1984. Since then, amendments have been made to the Town Code for Lenox. (Town of Lenox, 1994). The Town Code for Lenox identifies several zoning districts and one overlay district in the Town of Lenox. These districts are discussed in detail below.

The Town of Lenox has five residential zoning districts. The Residential (RA-1), (RA-2), and (RA-3) zoning districts are low-density residential districts. Areas zoned RA-1 are located in the northern portion of the Town of Lenox along NYS Route 31 and in the southern portion of the town along NYS Route 5. Areas zoned RA-2 are located in the southern part of the Town of Lenox, south of I-90 and NYS Route 5. Residential (RA-3) zoning districts are located in the northern portion of the Town of Lenox north of NYS Route 31 near Oneida Lake and there is one area zoned RA-3 located south of NYS Route 5. The Residential (RB) zoning district is intended for the development of medium-density residential uses. These Residential (RB) zoning districts are located predominantly in the southern portion of the Town of Lenox, to the south and west of the Village of Canastota. The high-density Residential (RC) zoning district permits a variety of residential dwellings. Areas zoned RC are generally small or moderately-sized and are located south of NYS Route 5 near the Village of Canastota, north of NYS Route 5 near the Town of Sullivan, on NYS Route 15 north of the Village of Canastota, and north of NYS Route 31 west of Lewis Point Road.

There are two agricultural zoning districts located within the Town of Lenox. The Agricultural (AG) zoning district was proposed, “as a means of preserving prime agricultural lands and thus protecting the agricultural base of the Town of Lenox” (Town of Lenox, 1994). A moderately-sized Agricultural (AG) zoning district is located along the Town of Lincoln border and a large area zoned AG is located in the central portion of the Town of Lenox, bounded by the Village of Canastota and the Town of Lenox. The Agricultural/Residential (AR) zoning district permits single-family dwellings, farms, and related agricultural activities. As stated in the Town Code for Lenox, “the purpose of this zoning district is to keep good farm lands in production as long as possible, while providing an overflow area for residential development once all other zones are built up” (Town of Lenox, 1994). The Agricultural/Residential (AR) zoning district comprises the largest area in the Town of Lenox and is located throughout this municipality, especially in its central portions north, east, and west of the Village of Canastota.

Commercial zoning was established to accommodate small stores and businesses that would service the immediate neighborhood in which they are located. The Business/Commercial General (BG) zoning district permits the following uses: boat sales, rental, storage and repairs, beach or swimming pools with bath houses and accessory

services, restaurants, and other moderate intensity land uses. Moderately-sized areas located along NYS Route 31 in the northern part of the Town of Lenox are in the Business/Commercial Recreational (BR) zoning district. This zoning district permits boat sale and rental facilities, beaches or swimming pools, restaurants, social facilities, and motels/hotels.

The Town Code for Lenox identifies the Industrial/Manufacturing (IM) zoning district as, “This district consists of areas which have already developed as industrial or manufacturing uses or, because of the proximity to transportation routes have the potential for providing locations for industry, manufacturing research and development” (Town of Lenox, 1994). A few properties located in the Town of Lenox are zoned IM and are generally located in the southern part of the town near NYS Route 5. One moderately-sized property located in the southeastern portion of the Town of Lenox that is bounded by the Village of Wampsville is zoned IM.

The remaining two zoning districts and an overlay district located in the Town of Lenox are the Conservation/Outdoor Recreation (CR) zoning district, Major Highway (HY) overlay district, and the Planned Development (PD) zoning district. The Conservation/Outdoor Recreation (CR) zoning district permits farms that contain customary farm buildings for the storage of products or equipment located on the same parcel as the principal use, orchards, non-intensive outdoor recreation, and golf courses. Areas zoned CR are located in the north central and northwestern portions of the Town of Lenox, near Lewis Road. All individual properties fronting NYS Routes 5, 23, 31, and 316 are located in the Major Highway (HY) overlay district. This district, “is designed to discourage strip development along existing main arterials, to diminish traffic hazards to residents and to provide and protect a safe and efficient flow of traffic along major routes by limiting the density of development directly along such routes” (Town of Lenox, 1994). Bed and breakfast establishments may be permitted with a Special Use Permit in the Major Highway (HY) overlay district. The Planned Development (PD) zoning district permits “the establishment of areas in which diverse residential, commercial and industrial uses may be brought together as a compatible and unified plan of development which is in the interest of the general welfare of the public” (Town of Lenox, 1994). A Planned Development (PD) zoning district is located in the central portion of the Town of Lenox near NYS Route 5.

The Town of Lenox was recently contacted for information regarding Nation lands located within the town relative to consistency with its land use plan and/or zoning regulations. To date, information regarding possible non-compliance of any or all Nation lands located within the Town of Lenox has yet to be provided.

Nation Lands

*Group 1 Lands*

There are no Group 1 lands located within the Town of Lenox.

*Group 2 Lands*

There are 18 parcels comprised of 25 tax lots of Group 2 lands located within the Town of Lenox; these parcels do not include Nation lands located within the Village of Canastota. The Group 2 lands are generally comprised of active and inactive agricultural uses and active and vacant residential structures towards the center of the Town of Lenox. Group 2 lands are also utilized for boat repair, the Marion Manor Marina, residential uses including Nation member housing, undeveloped properties, and a SavOn gas station and convenience store located along and near Oneida Lake in the northern part of the Town of Lenox. One parcel that is adjacent to the Town of Sullivan has rural residential uses.

The planning studies referenced above that were prepared in the late 1950's and early 1960's included a Land Use Development Plan Map for the Town of Lenox. This map assigns residential recreational and commercial uses for the areas located in the northern part of the Town of Lenox. The Land Use Development Plan Map recommends low density residential uses and rural residential uses for Nation lands located outside of and near the Village of Canastota. Additionally, this map assigns rural residential uses for the parcel located along the Sullivan town line.

Group 2 lands are located within one of the following zoning districts: Agricultural (AG) zoning district, Agricultural/Residential (AR) zoning district, Business/Commercial General (BG) zoning district, Business/Commercial Recreational (BR) zoning district, and the Conservation/Outdoor Recreation (CR) zoning district. Based on information provided by the Town of Lenox, there are some Nation lands located within the town that are non-compliant with town local laws that include zoning regulations, while other Nation lands are considered non-compliant due to a lack of proper permits (Stagnitti, Personal Communication, July 19, 2006). A lack of proper permits is not part of the discussion for this section. A comparison of land use and zoning data in Appendix G indicates that the uses characterizing these Group 2 lands are consistent with the municipal zoning of Nation owned properties.

*Group 3 Lands*

There are four parcels comprised of nine tax lots of Group 3 lands located within the area of the Town of Lenox that is outside of the Village of Canastota. These Group 3 lands, which are located in the northern part of the Town of Lenox and in areas immediately to the north of the Village of Canastota, include such uses as agricultural properties, and vacant residential land.

The Land Development Plan Map assigns residential-recreational and rural residential uses to Group 3 lands located along NYS Route 31 and to those Group 3 lands located just

north of the Village of Canastota. Three of these parcels are located within the Business/Commercial Recreational (BR) zoning district and are inactive wooded areas and wetlands. The remaining parcel is located in an Agricultural (AG) zoning district and is an inactive wooded area. A comparison of land use and zoning data in Appendix G indicates that the uses characterizing these Group 3 lands are consistent with the municipal zoning of Nation owned properties.

### ***Village of Canastota***

The Villages of Canastota and Wampsville located in the Town of Lenox do not have adopted comprehensive plans (Bryan Gazda personal communication, February 15, 2006). However, studies were conducted in the late 1950's and early 1960's that assessed existing conditions within the Villages of Canastota and Wampsville, and the Town of Lenox; these studies were not adopted by the Village of Canastota. The studies assessed housing conditions, streets and highways, the downtown business districts, community characteristics, population trends, and land use. An illustrative Central Business District Renewal Plan is provided for the downtown Village of Canastota in the Business District Study. Additionally, a housing survey provides an assessment of the existing housing conditions in each neighborhood in the downtown areas of the Village of Canastota (Town of Lenox and Villages of Canastota and Wampsville, July, 1959; Town of Lenox and Villages of Canastota and Wampsville, March 1960; and Town of Lenox and Villages of Canastota and Wampsville, September 1960). As identified under the discussion for the Town of Lenox, a proposed Land Use Development Plan was included in the Community Facilities, Public Utilities, and Development Plan Study that provides land use and development recommendations for the Village of Canastota.

A Master Plan Report for Canal Town, U.S.A. was prepared for the Village of Canastota in 1968 (Glavin, 1968); however, there is no record of it being adopted by the village. This report reflects an assessment of preliminary plans, consideration of the downtown area of the Village of Canastota as a historic area, and recommended phasing strategies for future development within the village. The Master Plan Report for Canal Town, U.S.A. recommends that immediate priority be given to the development of a historic Canal Town located along the Erie Canal within the Village of Canastota. This report provides an architectural survey of the Village of Canastota, a design analysis, and land use and development recommendations for a historic Canal Town. (Glavin, 1968)

The Village of Canastota is governed by the General Code of the Village of Canastota that was updated on October 15, 2005 by the Board of Trustees of the Village of Canastota (Village of Canastota, 2005). The Village of Canastota is divided into several zoning districts that are described below.

Agricultural (AG) zoning districts are located predominantly along the north and west boundaries of the Village of Canastota as well as along Canal Street, in the central and

southern portions of the village. Areas zoned AG comprises approximately 25 percent of the area in the Village of Canastota. The general uses permitted in an Agricultural (AG) zoning district are agricultural uses, single-family and two-family dwellings, schools, religious institutions, community centers, and other uses that require large areas of land.

There are three residential zoning districts located within the Village of Canastota. The Residential (R1) zoning district permits single family residential uses while the Residential (R2) zoning district permits one and two-family residential uses. The Multiple Residential District (RM) permits single, two, and multiple-family dwellings. Residential zones comprise approximately one third of the area of the Village of Canastota and are located mainly in the central and southern portions of the village.

The Village of Canastota has separate commercial and industrial zoning districts. The General Commercial (CM) zoning district permits a variety of commercial uses including retail stores, retail services, personal services, business offices, restaurants and bars, hotels, motels, and other commercial, accessory, and public uses. General Commercial (CM) zoning districts are located along the southern and central parts of the Village of Canastota and along I-90. Enclosed manufacturing industries, enclosed warehouses or wholesale facilities, public utilities, enclosed service and repair uses, and other high intensity land uses are permitted in the Industrial (IN) zoning district. Community centers, recreational facilities, public utilities, enclosed warehouses, wholesale businesses, enclosed manufacturing industries, enclosed industrial service and repair facilities, and other high intensity land uses are permitted in the Industrial Park Development zoning district. The intent of this zoning district, as identified in the General Code of the Village of Canastota, is “to establish land use regulations and a review procedure for the development of land in this district” (Village of Canastota, 2005). The land located in the Industrial Park Development zoning district is sold and/or developed strictly to entice new industry and industrial-related business into this district and to allow existing community industries and businesses to undergo major expansion. The Industrial Park Development zoning district is located in the Village of Canastota’s southwest corner, on the southern side of Canal Street and north of I-90.

There are two mobile home zoning districts located in the Village of Canastota. The Mobile Home (MH) zoning district allows uses that are permitted in the Residential (R2) zoning district and mobile homes with certain restrictions. An area zoned MH is located on the north side of Canal Street along West and Getmac Avenues in the Village of Canastota. The Mobile Home Park/Development (MH-P) zoning district permits office buildings, single-family mobile home dwellings, recreational areas, and accessory uses. Areas zoned MH-P are located in the western portion of the Village of Canastota, just north of State Street and just east of the Town of Lenox.

As indicated in the General Code for the Village of Canastota, the purpose of the Planned Development (PD) zoning district is to, “permit the establishment of areas in which diverse residential, commercial, and industrial uses may be brought together as a compatible and unified plan of development which is in the interest and the general welfare of the public” (Village of Canastota, 2005). The Planned Development (PD) zoning district provides for area, yard, coverage, height, and supplementary regulation requirements that are comparable to the minimum requirements in appropriate residential, commercial or industrial zoning districts for each specific use, except where the Village of Canastota Planning Board finds that it is in the public interest to modify these requirements. An area zoned PD is located within the Village of Canastota is on the southern side of I-90.

The purpose of the Floodway (FW-1) zoning district in the Village of Canastota is to, “protect the health, safety, and welfare of the inhabitants of the village from hazards due to periodic flooding. This protection shall include the protection of persons and property, the preservation of water quality and the minimizing of expenditures for relief, insurance, and flood-control projects” (Village of Canastota, 2005). As identified in the General Code of the Village of Canastota, the Floodway (FW-1) zoning district consists of the area comprising the channel of a watercourse and the adjacent land required to carry and discharge a flood of a given magnitude. Information regarding the location of FW-1 zoning districts in the Village of Canastota was not provided by this municipality.

The Village of Canastota was recently contacted for information regarding Nation lands located within the village relative to consistency with its land use plan and/or zoning regulations. To date, information regarding possible non-compliance of any or all Nation lands located within the Village of Canastota has yet to be provided.

#### Nation Lands

##### *Group 1 Lands*

There are no Group 1 lands located within the Village of Canastota.

##### *Group 2 Lands*

There are 13 parcels comprised of 13 tax lots of Group 2 lands located within the Village of Canastota. These parcels include administrative offices of the Oneida Nation Police Department located in the Central Business District, a SavOn gas station and convenience store, active and abandoned agricultural properties, mining, undeveloped land, and active and abandoned residential uses located near and adjacent to I-90. The housing survey provides recommendations for an urban renewal plan for the Village of Canastota and it identifies the area where the administrative offices of the Oneida Nation Police Department are located as a renewal area. This survey notes the presence of substandard buildings, mix of land uses, and other conditions that may qualify the downtown area as an urban redevelopment project (Town of Lenox and Villages of Canastota and Wampsville, March 1960). The proposed Land Use Development Plan assigns commercial

uses to the downtown area of the Village of Canastota and it assigns low density residential, medium density residential, and rural residential uses for areas located along I-90. There is no municipal master plan to enable a comparison of Nation land use.

Group 2 lands are located within Agricultural (AG) zoning districts, Industrial (IN) zoning districts, General Commercial (CM) zoning districts, and Residential (R2) zoning districts. There are 13 Group 2 lands located within the Village of Canastota of which uses on three, as listed in Appendix G, are considered to be inconsistent or nonconforming with existing municipal zoning regulations. These include lands which are used for public service and park use. However, a comparison of land uses and municipal zoning in Appendix G indicates that the uses characterizing these Nation lands are primarily consistent with the municipal zoning of Nation owned properties.

#### *Group 3 Lands*

There are no Group 3 lands located within the Village of Canastota.

#### **Town of Stockbridge**

The Town of Stockbridge does not have an adopted Comprehensive Plan (Jones verbal communication, 2006). The Land Use Law for the Town of Stockbridge was enacted in October 1989 and was most recently amended in May 2003 (Town of Stockbridge, 2003). There are two zoning districts and two overlay districts identified in the Land Use Law for the Town of Stockbridge. These districts are discussed in detail below.

As stated in the Land Use Law for the Town of Stockbridge in regard to the Agricultural/Residential/Commercial (ARC) zoning district, “the purpose of this district is to preserve farm lands and adjoining settlements as long as possible, to provide for separate residences of all kinds, and to invite other uses, under certain controls, in order to assure the livelihood and enjoyment of all those who live there” (Town of Stockbridge, 2003). Single-family dwellings including mobile or modular homes, two-family dwellings, farms and farm buildings already present and/or related to agricultural activities, orchards, tree nurseries, and reforestation areas are permitted in the Agricultural/Residential/Commercial (ARC) zoning district. This zoning district encompasses all of the land located within the Town of Stockbridge outside the Village of Munnsville as well as 10 percent of the land located within the village. Residential uses including single-, two-, and multi-family dwellings are permitted in the Town of Stockbridge’s Residential (RD) zoning district. The remaining 90 percent of the land located within the Village of Munnsville is zoned RD. According to the Land Use Law for the Town of Stockbridge in regard to the Aquifer Protection (AP-1) and (AP-2) overlay districts, “the purpose and intent of the Aquifer Overlay District is, in the interest of public health, safety, and general welfare to preserve the quality and quantity of the Town’s groundwater resources in order to insure a safe and healthy drinking water supply” (Town of Stockbridge, 2003). Areas in the Town of Stockbridge that are zoned AP-1 are underlain by aquifer areas with a high potential for contamination, while areas zoned AP-2 are underlain by aquifer areas with a moderate

potential for contamination. The areas zoned AP-1 and AP-2 are located in the central portion of the Town of Stockbridge, stretching from the border with the City of Oneida and the Town of Vernon in the north to the Towns of Eaton and Madison in the south.

The Town of Stockbridge was recently contacted to obtain information regarding Nation lands located within its borders relative to consistency with the town's land use plan and/or zoning regulations. To date, conclusive information regarding possible non-compliance of any or all Nation lands located within the Town of Stockbridge has yet to be provided.

#### Nation Lands

##### *Group 1 Lands*

There are no Group 1 lands located within the Town of Stockbridge.

##### *Group 2 Lands*

There is one parcel comprised of one tax lot of Group 2 lands located within the Town of Stockbridge. This parcel is located in the southwestern portion of the Town of Stockbridge, to the west of NYS Route 46 and consists of a gravel pit and mining quarry (Pratts Sand and Gravel Pit). There is no municipal master plan to enable an assessment of consistency with adopted land use development policy.

This one parcel is located in an Agricultural/Residential/Commercial (ARC) zoning district. The use characterizing this Group 2 land is consistent with the municipal zoning of this Nation property.

##### *Group 3 Lands*

There are 27 parcels comprised of 47 tax lots of Group 3 lands located within the Town of Stockbridge. These parcels are located primarily in the eastern and northern portions of the Town of Stockbridge. These parcels are utilized for Nation member housing, active crops, pastures, undeveloped agriculture, residential, outdoor activities, wetlands, wooded areas, a Nation cattle facility, and livestock raising. There is no municipal master plan to enable an assessment of the consistency of the use of this parcel with an adopted land use policy.

These parcels are located in an Agricultural/Residential/Commercial (ARC) zoning district. A comparison of land use and zoning data in Appendix G indicates that the use characterizing these Group 3 lands are consistent with the municipal zoning of Nation owned properties. Based on information provided by the Town of Stockbridge, there are some Nation lands located within the town that are non-compliant with town codes due to a lack of permits (Stepanski, Personal Communication, July 21, 2006). However, this section of the Draft EIS is only concerned with whether or not land uses on Nation lands are consistent with the intent of the municipal zoning in the communities in which they are

located. Designation as being non-conformance due to a lack of proper permits is not a part of this assessment.

### **Town of Cazenovia**

The Land Use Guide of Cazenovia was copyrighted in 1984 and is a, “resource inventory as well as a guide to future action for the preservation of the character of Cazenovia, N.Y. It makes the resource information and recommendations generated by the Cazenovia Community Resource Project (CCRP) available to citizens and local officials.” This document provides an assessment of the Town of Cazenovia’s character and quality of life, as well as recommendations for the protection of the character of the town. The Land Use Guide of Cazenovia presents recommendations for natural resources, cultural resources, and character zones. (Town of Cazenovia, 1984)

The Land Use Guide of Cazenovia encourages the preservation of the rural character of the Town of Cazenovia and identifies the strong physical, cultural, and economic impacts the natural environment has on the community. This guide also identifies six different recommended character zones within the Town of Cazenovia that include Lake Watershed, Chittenango Gorge, Farmland – Open Rural, Greenbelts, Boundary Ridges and Slopes, and Village and Hamlet. As stated in the Land Use Guide of Cazenovia, “Designation of these areas or character zones is important to guide future growth for two reasons: first, the use of physical characteristics to determine zones has a direct relationship to the specific needs of the environment; and second, the recognition of land use patterns that have evolved through the years reinforces, rather than homogenizes, the differences between the areas” (Town of Cazenovia, 1984).

Nation lands located within the Town of Cazenovia are situated in the north central part of the town, just west of Lake Cazenovia at the northeast corner of the intersection of North Lake and West Lake Roads. These Nation lands are located within the Lake Watershed character zone.

The Zoning Code and the Zoning Map for the Town of Cazenovia was amended by the Town Board in 1991 (Town of Cazenovia, 1991). The Town of Cazenovia established six zoning districts, as identified in the Zoning Code and on the Zoning Map, which are discussed below. The Village of Cazenovia is located within the Town of Cazenovia. Since Nation lands are not located within the Village of Cazenovia or within 1,000-feet of the village, an assessment of zoning within the Village of Cazenovia is not warranted and will not be discussed.

There are two residential zoning districts located in the Town of Cazenovia. Single-family residential dwellings and accessory uses, and other low intensity land uses are permitted in Residential A (RA) zoning districts. This zoning district is located throughout the Town of Cazenovia and comprises approximately one-half of its area. Places of worship, schools, libraries, municipal buildings, public parks, philanthropic or charitable institutions,

cemeteries, recreational areas, two-family and multifamily residential dwellings, and low intensity uses are permitted in Residential B (RB) zoning districts. The Zoning Map identifies that Residential (RB) zoning districts are located in the most southern area of the Town of Cazenovia bordering Onondaga County and the Towns of Nelson and Deruyter, as well as three small areas in the center of the town; one of these areas is located just south of the Village of Cazenovia, east of Rippleton Road and west of East Road while another area is located just east of East Road, west of Mile Road and just north of Ballina Road, and the third area is located east and north of Lincklaen Road. The Lake Watershed Residential Use (LW) zoning district permits everything allowed in Residential A (RA) zoning districts except for the storage of machinery, equipment, and motor vehicles. Areas zoned LW are located in the north central portion of the Town of Cazenovia bordering Cazenovia Lake, just north and west of the Village of Cazenovia.

The Hamlet of New Woodstock is located in the southern portion of the Town of Cazenovia. According to the Zoning Code of the Town of Cazenovia, the New Woodstock (RB) zoning district located in the Hamlet of New Woodstock is intended to, “encourage the use of land in a manner consistent with the traditional New Woodstock Hamlet development, the protection of the aquifer servicing the Hamlet of New Woodstock, and with the Land Use Guide of Cazenovia” (Town of Cazenovia, 1991). Civic uses, retail stores, restaurants or bakeries, bed-and-breakfast establishments, farm stands, and commercial garages and filling stations are permitted in the New Woodstock (RB) zoning district.

There are commercial and industrial zoning districts located in the Town of Cazenovia. The Commercial Use (C) zoning district permits those uses allowed under the Residential B (RB) zoning district with certain exceptions and multi-family dwellings, boarding houses, tourist lodging houses, motels, hotels, hospitals, philanthropic or charitable institutions, retail stores and personal service shops, and other commercial and office uses. However, according to the Zoning Map for the Town of Cazenovia there are no areas located within the town that are zoned C. Asphalt manufacture or refining, blacksmith shops, boiler or tank works, manufacturing uses, carpet cleaning, cold storage plants, dumps, electric light or power generating stations, printing establishments, railroad yards, warehouses, wholesale houses, and other high intensity and manufacturing-related land uses are permitted in the Industrial Use (I) zoning district, as well as those uses allowed in the Commercial Use (C) zoning district with certain exceptions. The one Industrial Use (I) zoning district is located within the Town of Cazenovia, in the center of the town south of East Ballina Road on Constine Bridge Road.

The Town of Cazenovia was recently contacted for information regarding Nation lands located within the town relative to consistency with its land use plan and/or zoning regulations. The results of that consultation are provided below.

Nation Lands

*Group 1 Lands*

There are no Group 1 lands located within the Town of Cazenovia.

*Group 2 Lands*

There is one parcel comprised of two tax lots of Group 2 lands located within the Town of Cazenovia. This parcel contains the historic Oneida burial ground, as well as wooded areas and are located in the northwestern portion of the Town of Cazenovia, just west of Cazenovia Lake. No development is proposed for this site. The Land Use Guide of Cazenovia identifies the location of this parcel as being in the Lake Watershed zone. The existing use of this land by the Nation is consistent with the future land uses assigned by the Land Use Guide of Cazenovia. Moreover, based on information provided by the Town of Cazenovia, Nation lands located within the town are in conformance with the Land Use Guide of Cazenovia (Cook, Personal Communication, July 5, 2006).

The two tax lots are located in a Lake Watershed Residential Use (LW) zoning district. Since these two tax lots are utilized for a historic Oneida burial ground as well as other inactive wooded areas, these uses are consistent with the intent of the municipal zoning governing adjacent non-Nation properties. In fact, based on information provided by the Town of Cazenovia, Nation lands located within the town are in conformance with the Zoning Code of the Town of Cazenovia (Cook, Personal Communication, July 5, 2006).

*Group 3 Lands*

There are no Group 3 lands located within the Town of Cazenovia.

**Village of Cazenovia**

There are no Nation lands located within the Village of Cazenovia or within the Study Area. Therefore, an assessment of land use plans and zoning within the Village of Cazenovia is not discussed.

**Town of Lincoln**

As per a conversation with the Town of Lincoln Town Clerk, Roseanne Warner, on Wednesday, January 25, 2006, the Town of Lincoln currently does not have an adopted master or comprehensive plan for land use and development recommendations (Warner verbal communication, 2006).

The Town of Lincoln Land Management Law was adopted in February 1998 (Town of Lincoln, 1998). The Town of Lincoln - Zoning Map was adopted as part of the Town of Lincoln Land Management Law. The Town of Lincoln – Zoning Map identifies the location of the zoning districts in the Town of Lincoln that are discussed below.

The Town of Lincoln has two agricultural zoning districts. The Agricultural Residential Zone 1 (AR-1) zoning district is located in the north central portion of the Town of

Lincoln. This zoning district “is envisioned as mixed agricultural and residential with all buildings grouped in the interest of maintaining and enhancing the residential nature and character of the district” (Town of Lincoln, 1998). As noted in the Town of Lincoln Land Management Law, farms and farm buildings for related agricultural activities on five-acre lots, single-family residential dwellings, home occupations, private garages, and accessory buildings are permitted in the Agricultural Residential Zone 1 (AR-1) zoning district.

The predominant zoning district in the Town of Lincoln is the Agricultural Residential Zone 2 (AR-2) zoning district, which is located throughout and in most areas of the town; approximately 80 percent of the area in the Town of Lincoln is zoned AR-2. This zoning district is “envisioned as mixed agricultural and residential in the interest of maintaining and enhancing open land for its aesthetic qualities and for its economic value in agricultural production” (Town of Lincoln, 1998). As noted in the Town of Lincoln Land Management Law, farms and farm buildings for related agricultural activities on five-acre lots, certain residential uses with restrictions, home occupations, mobile dwellings, accessory buildings, hobby farm uses, wild refuges, and private stables are permitted in the Agricultural Residential Zone 2 (AR-2) zoning district.

The Town of Lincoln has both commercial and industrial zoning districts. The Neighborhood Commercial (NC) zoning district is located in a small area in the north central portion of the Town of Lincoln and comprises approximately five percent of the area of the town. The purpose of this zoning district is to “provide for daily retail and personal services to the residents of the Town and those traveling through the Town. The key distinction is the scale of the activities permitted. These are services for individuals. Services for vehicles and service emphasizing vehicles are discouraged” (Town of Lincoln, 1998). As noted in the Town of Lincoln Land Management Law, retail convenience stores, personal services, business offices, financial institutions, restaurants, private membership courses and health clubs, day care facilities, and certain other public facilities are permitted in the Neighborhood Commercial (NC) zoning district. Industrial-Commercial (I-C) zoning districts are located on two relatively large areas in the south central and northeastern portions of the Town of Lincoln and comprise approximately 15 percent of the total area within the town. As noted in the Town of Lincoln Land Management Law in regard to areas zoned I-C, “all uses allowed in AR-2 and NC districts are permitted as-of-right” (Town of Lincoln, 1998).

The Town of Lincoln was recently contacted for information regarding Nation lands located within its boundaries relative to consistency with its land use plan and/or zoning regulations. To date, information regarding possible non-compliance of any or all Nation lands located within the Town of Lincoln has yet to be provided.

Nation Lands

*Group 1 Lands*

There are no Group 1 lands located within the Town of Lincoln.

*Group 2 Lands*

There are two parcels comprised of three tax lots of Group 2 lands located within the Town of Lincoln. These Group 2 lands consist of wooded areas, Nation member housing, agricultural properties, and historical sites. There is no municipal master plan to enable a comparison of Nation land use.

All Group 2 lands are located in Agricultural Residential Zone 2 (AR-2) zoning districts. The uses characterizing these Group 2 lands are consistent with the municipal zoning of Nation owned properties.

*Group 3 Lands*

There are three parcels comprised of five tax lots of Group 3 lands located within the Town of Lincoln. These Group 3 lands consist of residential uses, agricultural uses and wooded areas. There is no municipal master plan to enable a comparison of Nation land use.

All Group 3 lands are located in Agricultural Residential Zone 2 (AR-2) zoning districts. The uses characterizing these Group 3 lands are consistent with the municipal zoning of Nation owned properties.

**Town of Sullivan**

The Town of Sullivan Comprehensive Plan was adopted in February 2006 by the Town Board of the Town of Sullivan. This plan provides an overview, a discussion of demographic characteristics, an assessment of the local economy, a discussion of agricultural resources, an assessment of housing, and additional assessments of existing conditions and goals and objectives (Town of Sullivan, 2006). The Town of Sullivan Comprehensive Plan includes a vision statement that contains long-term and short-term goals regarding housing, the Town of Sullivan's character, commercial revitalization, expansion of educational and recreational opportunities, diversification of existing commercial opportunities, and maintaining and improving the town's transportation and infrastructure systems. The Town of Sullivan Comprehensive Plan identifies the Nation lands as being located within the North Sullivan Sub-area and provides an assessment of existing conditions within this sub-area.

The Town of Sullivan Zoning Law was adopted on July 30, 1979 and was most recently amended on February 26, 1990 (Town of Sullivan, 1990). The Town of Sullivan Zoning Map, which was adopted as part of the Town of Sullivan Zoning Law, resulted in the change of a number of zoning district boundaries as well as zoning district designations. The Town of Sullivan Comprehensive Plan provides information on the zoning districts

and overlay districts located within the town that are discussed below (Town of Sullivan, 2006). Uses such as public utilities, public use facilities, religious institutions, and schools are permitted in all zoning districts in the Town of Sullivan by special permit approval.

The predominant zoning district in the Town of Sullivan is the Agricultural Development (A) zoning district, which is located throughout and in most areas of the town and comprises approximately 80 percent of its area. The purpose of the Agricultural Development (A) zoning district is for “production of agricultural products for compensation, including field crops, produce, horticulture, livestock, and dairy products. This includes the sale of products grown on such land and the necessary buildings and accessory construction such as barns, silos and fences which are a normal part of agriculture. Agriculture includes farms, nurseries, greenhouses and truck gardens. An agricultural use is one carried on ten or more acres of land used in the preceding two years for the production or sale of agricultural products with an average gross sales value of \$10,000.00 or more” (Town of Sullivan, 1990). The areas that are not zoned A are generally located in the more densely populated areas towards the northern portion of the Town of Sullivan near NYS Route 31 and in the southwestern portion of the town near the border with the Town of Manilus, both north and south of NYS Route 5.

There are several residential zoning districts located in the Town of Sullivan. Low Residential (LR-40) zoning districts are located in the southeastern portion of the Town of Sullivan on the border with the Town of Fenner, as well as in the northwestern portion of the town just north of I-90. Low Residential (LR-40) zoning districts comprise less than five percent of the area in the Town of Sullivan. As noted in the Town of Sullivan Zoning Law, the purpose of the Low Residential (LR-40) zoning district is to allow for single- and two-family dwellings and farm-related structures on minimum 40,000 and 50,000 square foot lots. The Medium Density Residential (MR-12) zoning district comprises much of the land in the Town of Sullivan that is not zoned for agricultural use. Medium Density Residential (MR-12) zoning districts are primarily located in the northern portion of the Town of Sullivan near NYS Route 31 and in the southwestern portion of the town near the border with the Town of Manilus, both north and south of NYS Route 5. There is another smaller Medium Density Residential (MR-12) zoning district located in the central portion of the Town of Sullivan, just off Clay Hill Road. As noted in the Town of Sullivan Zoning Law, the purpose of this zoning district is to allow for single-family dwellings and farm-related structures on lots with minimum area restrictions.

Business (B) zoning districts are located primarily in the northern portion of the Town of Sullivan along NYS Route 31, while small areas zoned B are located throughout the town most notably in the central area both north and south of the railroad right-of-way. Major Business (B) zoning districts are located in the Hamlet of Bridgeport and the Village of Chittenango. There are also numerous small Business (B) zoning districts located throughout the town that because of their small size defy accurate mapping (Town of

Sullivan, 1990). As identified in the Town of Sullivan Zoning Law, the purpose of the Business (B) zoning district is to allow for a variety of retail and commercial establishments, personal services, restaurants, professional offices, fast food restaurants, medical facilities, and non-business related uses such as orphanages; multiple family-dwellings are allowed in this zoning district through special permit approval. Business (B) zoning districts are relatively small in area, as identified in the Town of Sullivan Zoning Map, and comprise less than five percent of the area located within the Town of Sullivan.

Industrial (I) zoning districts are located primarily in the central portion of the Town of Sullivan near the Conrail right-of-way and I-90. Since the adoption of the Town of Sullivan Zoning Law, new Industrial (I) zoning districts have been created in the Town of Sullivan. One of these zoning districts is located east of Fly Road and north of I-90, another extends south from the Chittenango Station area along the east side of Fly Road to the old feeder canal, another encompasses the stone/rock quarry west of Quarry Road, and another encompasses the Krutulius Laboratories, Inc. property on the south and west sides of Marsh Mills Road. As noted in the Town of Sullivan Zoning Law, the purpose of the Industrial (I) zoning district is to allow for a wide variety of commercial uses similar to those allowed in the Business (B) zoning district as well as agriculture, lumberyards, wholesale businesses, laundry, and oil/gas storage facilities through special permit approval. As identified in the Town of Sullivan Zoning Map, the areas that are zoned I comprise less than five percent of the area located within the Town of Sullivan.

The Planned Development (PDD) zoning district is, “designed to provide a means of developing those land areas within the Town considered appropriate for new residential, commercial or industrial use, or a satisfactory combination of these uses in an economic and compatible manner, while encouraging the utilization of innovative planning and design concepts or techniques in these areas without departing from the spirit and intent of these regulations. In particular, this provision is designed to accommodate proposed planned unit development or clustering techniques not otherwise provided for in established zoning districts” (Town of Sullivan, 1990). As noted in the Town of Sullivan Comprehensive Plan, the proposed Manufactured Home Park District (MHPD) was created to “provide a suitable setting for the location of manufactured homes and mobile homes. As of December 2000, the Town has not received any requests to amend the Zoning Map for the establishment of a PDD (including MHPD). However, future phased development of the Lakeside Community will require the creation of a PDD” (Town of Sullivan, 2006).

The purpose of the Resource Management (RM) overlay district is to “provide a process for the recognition and detailed evaluation of those type of natural and related land use considerations which, given the nature, level of detail and scale of the Town wide inventory and zoning maps, require a more exact site specific evaluation on a case-by-case basis than is otherwise possible. Specifically, the district has been established to depict

land and water areas with particularly significant limitations to development that necessitate a more careful evaluation of the likely impact of such development. The types of limitations encompassed within this overlay district include: Flood Hazard Areas; Wetlands; Street Slopes and Adverse Soil Conditions; and Certified Agricultural Districts” (Town of Sullivan, 1990). Approval to develop these types of areas must undergo the site plan approval process. “Resource Management overlay boundaries are not shown on the Town’s Zoning Map but correspond to boundaries delineated in various Federal and State maps, such as FEMA’s Flood Insurance Rate Maps, NYS wetland maps, and Madison County Soil Survey maps, which together document flood plains and hazard areas, wetland areas, steep slopes and soil limitations” (Town of Sullivan, 2006).

The Town of Sullivan was recently contacted for information regarding Nation lands located within the town relative to consistency with its land use plan and/or zoning regulations. To date, information regarding possible non-compliance of any or all Nation lands located within the Town of Sullivan has yet to be provided.

#### Nation Lands

##### *Group 1 Lands*

There are no Group 1 lands located within the Town of Sullivan.

##### *Group 2 Lands*

There are two parcels comprised of two tax lots of Group 2 lands located within the Town of Sullivan. These Group 2 lands generally include wooded areas and Nation member housing. The existing uses of Nation lands are consistent with the future land uses assigned by the Town of Sullivan Comprehensive Plan.

These two parcels are located in the Agricultural Development (A) zoning district. A comparison of land use and zoning data in Appendix G indicates that the uses characterizing these Group 2 lands are consistent with the municipal zoning of Nation owned properties.

##### *Group 3 Lands*

There are two parcels comprised of two tax lots of Group 3 lands located within the Town of Sullivan. These Group 3 lands generally include wooded areas. The existing uses of these Group 3 lands are consistent with the future land uses assigned by the Town of Sullivan Comprehensive Plan in this area.

These two parcels are located in the Agricultural Development (A) zoning district. The uses on these Group 2 lands are consistent with the municipal zoning regulations of Nation owned properties.

### ***Town of Smithfield***

The Town of Smithfield Comprehensive Plan was adopted in March 2003. This plan provides a compilation and summary of the information gathered and produced by the Town of Smithfield Planning Board and includes land use and development guidelines and policies. The Town of Smithfield Comprehensive Plan identifies a number of issues based on a land use survey conducted by the Town of Smithfield, including significant support for preserving the existing quality of life in the town. Additionally, this plan recommends that “preservation of the rural character of the Town, the quality of its residential and agricultural life, and the preservation of its scenic and open vistas should be the prime concern in the formulation of land use policies within the Town to regulate land use within its border” (Town of Smithfield, 2003). Additionally, the goals and objectives of the Town of Smithfield Comprehensive Plan are to maintain a “vibrant historic community center in the Hamlet of Peterboro surrounded by a patchwork of residential and small scale business uses interspersed among agricultural lands, open space and wildlife habitat characterized by scenic rural vistas” (Town of Smithfield, 2003). This plan also recommends minimizing the grading and clearing of land and the protection of farmland.

The Town of Smithfield Zoning Map was adopted as part of the revised Town of Smithfield Building and Development Control Local Law dated October 7, 2004 (Town of Smithfield, 2004). Although there are no zoning regulations for the Town of Smithfield, the Town of Smithfield Building and Development Control Law identifies that its entire area can be utilized for single-family dwellings, outbuildings, orchards, tree and plant nurseries, forestry operations, in-home occupations, municipal buildings, parks, libraries, and other public and private institutions. Multiple-family dwellings, all commercial uses, all industrial uses, solid waste facilities, junk yards, private clubs, and non-commercial recreation uses require special use permit approvals.

The Town of Smithfield was recently contacted for information regarding Nation lands located within its borders relative to consistency with the town’s land use plan and/or zoning regulations.

Information provided by the Town of Smithfield indicates that Nation lands located within the town are consistent with its land use policies and zoning regulations.

### *Nation Lands*

#### *Group 1 Lands*

There are no Group 1 lands located within the Town of Smithfield.

#### *Group 2 Lands*

There are no Group 2 lands located within the Town of Smithfield.

### *Group 3 Lands*

There are three parcels comprised of four tax lots of Group 3 lands located within the Town of Smithfield. There is a large parcel of land in the southwestern portion of the Town of Smithfield, near Rich Road and the Town of Fenner border. This parcel contains agricultural uses. In the north central portion of the Town of Smithfield near the border with the Town of Lincoln not far from Northrup Road, is a large parcel of vacant or undeveloped land containing historical and/or archaeological resources. There is a large wooded area in the northeastern portion of the Town of Smithfield near Peterboro Road not far from the border with the Town of Stockbridge.

The current uses of Nation lands in the Town of Smithfield are as pastures and undeveloped rural areas. These uses are consistent with the land use policy recommendations and goals identified in the Town of Smithfield Comprehensive Plan.

Two of these parcels are located adjacent to either forested or agricultural areas, while the remaining parcel is located near an area that is utilized for single-family residential. As stated, Group 3 lands located within the Town of Smithfield consist of agricultural uses, historical significance resources, and areas dedicated for hunting and fishing activities that do not conflict with any of the Town's Building and Development Control Law. Moreover, information from the Town of Smithfield indicates that Nation lands located within the Town are in conformance with the intent of the Town's Comprehensive Plan and Building and Development Control Local Law (Benedict, Personal Communication, August 7, 2006).

### ***Town of Fenner***

The Town of Fenner does not have an adopted master or comprehensive plan for land use and development recommendations (Verbal communication, 2006). The Zoning Map was adopted as part of the Revised Town of Fenner Land Use Regulations on August 12, 1997 (Town of Fenner, 1997). The Zoning Map identifies the location of the two zoning districts in the Town of Fenner. These zoning districts are discussed below.

As stated in the Town of Fenner Land Use Regulations, the purpose of the District A zoning district is to, "provide attractive built-up housing areas in rural settings that will maintain health via proper sewage disposal, safe water supply, and the minimum of nuisance in different land uses" (Town of Fenner, 1997). District A zoning districts encompass all lands located within 500 feet of each side of the center line of many of the main public roads in the Town of Fenner. District A zoning districts permit the following uses: single-family residential dwellings, farms located on five acre lots, and accessory uses including private garages, customary accessory structures other than private garages (tool houses, playhouses, and greenhouses) not to exceed 750 square feet and not to be less than 10 feet from the rear line of the lot, animal shelters for domestic pets and horses, other structures such as private swimming pools and fireplaces, customary buildings including roadside stands for the sale of seasonal produce and handmade items, and off-street

parking. Approximately 30 percent of the area in the Town of Fenner is located within District A zoning districts.

District B zoning districts occupy approximately 70 percent of the land in the Town of Fenner. “The purpose of the District B zoning district is to preserve farmlands and adjoining settlements as long as possible to provide for separate residences of all kinds, and to invite other uses, under certain controls, in order to assure the livelihood and enjoyment of those who live there” (Town of Fenner, 1997). As noted in the Town of Fenner Land Use Regulations, District B zoning districts permit the following uses: single and two-family residential units, modular dwellings, farms and farm buildings for related agricultural activities located on five-acre lots, and mobile dwellings on one-acre lots. Accessory uses permitted in District B zoning districts include those uses allowed in District A zoning districts as well as home businesses conducted by the resident.

Information provided by the Town of Fenner indicates that Nation lands located within the town are consistent with its land use policies and zoning regulations.

#### Nation Lands

##### *Group 1 Lands*

There are no Group 1 lands located within the Town of Fenner.

##### *Group 2 Lands*

There are no Group 2 lands located within the Town of Fenner.

##### *Group 3 Lands*

There is one parcel comprised of one tax lot located in the Town of Fenner. This parcel consists of mature wooded areas. There is no municipal master plan to enable a comparison; however, based on information provided by the Town of Fenner, Nation lands located within the town are congruous with its existing and proposed land use plans (Buyea, Personal Communication, July 12, 2006).

The one parcel is located within a District B zoning district. Since the parcel is a mature wooded area, its use is congruous with the municipal zoning of Nation owned properties. Moreover, information provided by the Town of Fenner indicates that Nation lands located within the Town are in conformance with the intent of the Revised Town of Fenner Land Use Regulations (Buyea, Personal Communication, July 12, 2006).