

MASTER PLAN
TOWN OF BUTTERNUTS
OTSEGO COUNTY, NEW YORK

1. ENACTMENT, TITLE AND PURPOSE

1.1 Enactment: The Town Board of the Town of Butternuts in the County of Otsego on this 12 day of March, 1991, under the authority of Section 272a of Article 16 of Chapter 62 of the Consolidated Laws of the State of New York, hereby adopts the following Master Plan for the Town of Butternuts.

1.2 Title: This document shall be known as the Town of Butternuts Master Plan.

1.3 Purpose: This Master Plan is intended to summarize the natural and historic assets of the Town of Butternuts, to define its essentially rural and agricultural character, to provide guidelines for the preservation of the Town's natural and historic assets in a manner compatible with orderly economic growth, and to provide a basis for detailed land use ordinances to guide the future development of the Town.

2. INTRODUCTION

2.1 The Town of Butternuts: The Town's physical beauty and low population density have made it a location of choice for responsible agriculture for generations. Its primary industry has long been agriculture, and this has helped to maintain a level of physical beauty. Few of the trappings of urban life have been available here, and it has been incumbent upon Butternuts' residents to manage their lives in modes of relative independence. Wide spacings among residences have been more the rule than not, and personal privacy has been available on many properties.

2.2 Pressures on the Town: The Town's natural and historic assets are fragile resources. As in other nearby attractive areas, the decline of farm economics, coupled with an influx of new residents, threatens the very qualities that make it a special place. Not all of the Town's resources have remained intact; some lands have been treated harshly, or ignored. Much quality remains. Without some effective regulation of land use through local control, some forms of growth may occur in an indiscriminate, haphazard manner, marring natural beauty, diminishing historical character, straining local resources, and/or polluting the environment. As growth occurs, measures must be taken to maintain air, water, and soil quality, to insure proper waste disposal, to minimize traffic hazards and congestion, and to protect historic, esthetic and economic values.

3. POPULATION DENSITY AND LAND USE

3.1 Density: Part of the essential character of the Town of Butternuts is its relatively low density of population. Density growth can be controlled by land use regulation.

3.2 Land Use: Wherever possible, existing patterns of land use in hamlets and rural areas should be respected to preserve the integrity of the Town. Land removed from use as farmland or woodland cannot easily be returned to such use. Uses consistent with existing patterns should be encouraged when compatible with the characteristics of the land in terms of factors such as drainage, erosion control, water supply, sewage, waste disposal and accessibility.

3.3 High-Impact Uses: Protection of the natural and historical character of the Town must be regarded as a priority matter. Orderly growth of the Town needs to be encouraged. Commercial, industrial, agribusiness, professional, institutional, and possible future multi-residential uses cannot be foreclosed, but should be handled so as to create the least possible adverse impact on the time-honored residential and agricultural uses which have made the Town so desirable in which to live.

3.4 Public Spaces: There exists at present an adequate amount of publicly-owned recreational or open land within the Town. However, Builders of multi-family living arrangements, as well as developers of major/minor sub-divisions, should be encouraged to include adequate recreational facilities within their borders.

4. TRANSPORTATION

4.1 Roads: The Town of Butternuts is presently served by a network of State, County, and Town Roads appropriate to its geography and rural character. These roads provide access to all areas of the Town. The network, if suitably maintained and improved, should be adequate for the needs of the Town for the foreseeable future. Indeed, substantial new Town roads would be such a major investment (having such impact on tax rates), as to require that the Town give due consideration to avoiding any such need, without substantial compensatory reasons therefor.

4.2 Congestion: Numerous Town roads, especially those which traverse steep terrain, are of limited suitability for handling the traffic flows associated with intensive development. Low population densities should be maintained in areas served by roads of limited capacity, to minimize traffic congestion and hazardous driving conditions.

4.3 Strip Development: Strip development along the major arteries of the Town, in addition to creating traffic hazards and congestion, could seriously diminish the attractiveness of the Town. Therefore, commercial, industrial, professional, and multi-unit residential development along the highways may require restriction to clusters, interspersed with low density residential, agricultural and/or conservation areas.

5. ENVIRONMENT AND PUBLIC HEALTH

5.1 Introduction: A major objective of the Town of Butternuts should be to maintain the natural environment so that it may be used and enjoyed by all citizens of the Town. The costs of preventing pollution should be borne by the businesses, institutions, or individuals which generate it; restoring a resource to a usable condition should not become the burden of the taxpayers.

5.2 Lot Sizes: Lot sizes must be sufficient, given their soil types, to provide on-site sewage treatment and water supply for the proposed use in question. Land use ordinances must require enough land so that each lot can safely contain its own well and sewage disposal system, without adversely impacting neighboring properties. Poorly-drained and impervious soils in some areas of the Town may require larger lot sizes than would be necessary in locations with more favorable soil conditions.

5.3 Lakes, Ponds, and Streams: In order to preserve these important assets, the Town should adopt land use policies which ensure water quality and recreational and scenic values.

5.4 Erosion: Erosion and siltation damage farmland and destroy habitats for fish and game. A land use ordinance should stipulate practices designed to minimize runoff and erosion. Building on steep slopes and/or clearcutting woodlands should be discouraged.

5.5 Wetlands: Groundwater, streams, ponds, bogs, marshes, swamps, and other wetlands should be protected.

5.6 Discharges: State and Federal laws prohibiting many kinds of discharges into surface and ground water or into the air are sometimes inadequate for local conditions. Local ordinances should prohibit pollution of water, air, or soil by toxic and/or noxious materials or conditions. Enforcement and penalties should be local as well as State and Federal responsibilities.

5.7 Natural Features: Valuable natural features, including scenic vistas, should be protected whenever possible.

5.8 Environmental Review: All applications to the Town for approval of actions which have the potential for significant threats to the environment are subject to thorough environmental review in accordance with the procedures prescribed in the New York State Environmental Quality Review (SEQR) Act.

6. PROPERTY VALUES

6.1 Property Values: Property value and personal nuisance issues include, but are not limited to the following examples illustrating potential conflicts between personal freedom and possibilities for unintentional down-grading of the property values of others:

Nuisances— noise
bright lights after dark
eyesores, including billboards

messy conditions
noxious gases
excessive waste fluids, solids
blocking others' sunlight
commerce in residential areas
concentrations of animals in residential areas
Junkyards (non-conforming w/state laws)
Interference with cemeteries
Traffic congestion
Safety hazards

6.2 It is intended to encourage agriculture, commerce, industry, professions, and residences in the Town. None of this means free license to practices which may in some way infringe on the normally expected, reasonable rights of others. Where one or another lawful use (for example, a species of residential or agricultural use) is established on any site, and other, neighboring uses are to be newly undertaken nearby, the prior use shall generally be considered acceptable to the community. This does not mean that the Town undertakes to accept or condone any illegal or undesirable practice which may have been carried out within its borders.

It is the intent of this Master Plan to provide a framework in which it is possible for everyone who lives or intends to live in the Town of Butternuts to remain happy in that situation, while maintaining respect and consideration for the rights and preferences of others.

7. ORDINANCES AND REGULATIONS

7.1 Ordinances and regulations: Urgencies vary. Some types of control over development appear to be necessary to protect the Town early on. Other needs appear to be difficult to define at present. The goals of the Town and its residents may be best served by the least restrictions and the most freedom practicable.

7.2 Subdivision Regulation: The need for Subdivision Regulations has been demonstrated by adverse developments in the Town. The recently enacted Subdivision Regulations are needed to protect the Town from irresponsible development. Local enforcement is required because of inability of the County to prevent registration of deeds in violation of our Subdivision Regulations.

7.3 Absent Zoning: Absent zoning, which may place requirements on all types of development, some intermediate form of protection may be required. One possibility is Site Development Plan Review, in which new land uses are subject to some control by the Town, being subject to a review procedure not unlike that for subdivisions.

End.