



**Town of Berne**  
**Comprehensive Plan**  
**Part I**

**May 16, 2011 - Adopted April 12, 2017**



# Table of Contents Part I

Acknowledgements.....	2
Executive Summary .....	3
Introduction .....	5
Planning Process Overview.....	6
Agricultural Planning .....	7
Past Planning Efforts.....	8
Vision and Goals.....	10
Goals .....	11
Objectives and Actions .....	12
Community Character .....	12
Open Space and Natural Resources .....	22
Agriculture .....	29
Infrastructure .....	37
Housing.....	41
Cultural, Historical and Recreational Resources.....	43
Implementation .....	50
Maps.....	72

## Part II: Profile and Inventory (Contained in a Separate Document)

### Appendices CD: A Project CD Contains the Following Comprehensive Plan Components and Background Documents:

- A. All Public Input and Analysis, Including the Survey Text Answers
- B. East Berne Hamlet Study
- C. Berne Hamlet Study
- D. DEC Helderberg Unit Management Plan
- E. Town of Berne Biodiversity Assessment (2009)
- F. Helderberg Escarpment Planning Guide
- G. 1992 Town of Berne Master Plan

## Acknowledgements

### Town Board Members

Kevin G. Crosier, Supervisor  
Joseph Golden  
Wayne Emory  
Karen Schimmer  
Dawn G. Jordan

(George Gebe, Jr, Supervisor)  
(James Hamilton)  
(Peter Vance)

### Comprehensive Plan Review Committee Members

James Cooke, Chairperson  
John Crosier  
Randy Grippin  
James Hamilton  
Timothy Lippert  
Patrick Martin  
Ralph Miller  
Victor Porlier  
Karen Schimmer

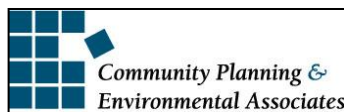
Lorraine Donovan, Secretary

### Funding Sources

This Comprehensive Plan was developed with financial support from the New York State Department of Agriculture and Markets through an agricultural and farmland protection planning grant received (\$25,000) and through matching funds provided by the Town of Berne (\$8,000).

### Consultant

Nan Stolzenburg, AICP  
Don Meltz, AICP



## Executive Summary

The Town of Berne Comprehensive Plan (The Plan) is designed to serve as a long range - ten to fifteen years- guiding framework for shaping the Town's future while preserving its core values, qualities, and unique rural character.

The Plan envisions Berne as an historic, rural community with a strong agricultural economy that fosters the protection of farmland, as well as open spaces and natural resources. Both the land use policies currently in use as well as those proposed in the Plan, conserve and protect the natural and human environment while encouraging economic development consistent with the needs of the community.

It articulates a vision, specific goals, objectives, and a detailed implementation plan for their realization.

The Plan's framework provides the citizens, government, private agencies, and service providers with the guidance necessary to support future decisions about growth, land use, agriculture, and preservation of natural resources, investments, and capital improvements.

It is not a regulatory tool in itself. When adopted by the Town Board, it will become a key component, along with County and State laws and regulations, for providing guidance in making new regulatory decisions.

The Plan describes seven mutually supportive, overarching goals. Each goal is composed of specific supporting objectives and strategic action steps for achieving each goal. A total of 144 action steps for reaching these goals are specified and prioritized into an implementation plan for execution and evaluation.

The seven goals of the plan are:

1. Preserve and enhance Berne's community character and its small town rural quality.
2. Conserve, maintain the town's open spaces and natural resources.
3. Maintain farmlands and promote agricultural activities.
4. Provide for community infrastructure and transportation facilities and services, and the systems to support them.
5. Provide for affordable housing opportunities.
6. Protect Berne's historical resources and provide for cultural and recreational opportunities for all ages.
7. Encourage job growth through establishment of new small and agri-businesses which are consistent with the community character, environmental, and other goals as established in this plan.

These goals and their associated objectives and action steps constitute the updating of Berne's 1992 Comprehensive Master Plan.

This Plan was produced by and for the citizens as directed by the Town Board. The Comprehensive Plan Review Committee drew on a town wide survey, public workshops, and public input received during the Committee's meetings. The Comprehensive Plan Review Committee also drew on the experience and findings of the many excellent town, county, and regional studies relevant to developing the vision and objectives of The Plan. It reflects a best effort to faithfully integrate the concerns, ideas, and knowledge from all of these sources.

The Plan is intended to help guide future infrastructure decisions and costs, aid in building community consensus on planning, and help the Town to be more successful in obtaining grant funding for programs. The Plan guidelines are intended also to eliminate arbitrary or capricious planning decisions. With the existence of an approved plan, all government agencies proposing capital improvements within the Town must take The Plan into consideration before initiating work.

The Plan is not to be viewed as a fixed, static document, but rather it is meant to be one that evolves in response to changing conditions and concerns that may emerge.

The Plan's implementation should be monitored and reported on each year to evaluate its progress. The overall Plan should be reviewed to consider both progress and any need for modification.

# Introduction

Berne, located in the “Hilltowns” of Albany County remains a rural town dominated by farmlands, woods, and low density residential land uses. Berne is easily accessible to the Capital District of Albany and is a likely target for new residential development, such as development spurred by the “Tech Valley” initiatives in the Capital District and development plans underway in the nearby towns. The Town wishes to manage growth and development in a manner that reflects its rural heritage and is consistent with the wishes of its residents. The Town has shown a commitment to comprehensive planning to ensure these goals are met.

This Comprehensive Plan updates the previous Town of Berne Comprehensive Land Use Plan, adopted in April 1992. It is designed to play a foundational role in the community for the next 10 to 15 years. By design and definition, this Comprehensive Plan provides an overall framework for future public and private decision making in Berne and should be considered a “road map” for future financial, civic, and creative investment. This Plan articulates the vision for the Town, its long-term goals, and how Berne can achieve them.

New York State law (Town Laws 272-a) grants municipalities the authority to prepare and adopt comprehensive plans. As defined by this law, a comprehensive plan is a document that identifies goals, objectives, principles, and policies for the immediate and long-range protection, enhancement, growth, and development of a community. It provides guidance to municipal leaders, government agencies, community organizations, local businesses, and residents, and helps to ensure that the community’s needs are met, both now and in the future. New York’s laws also require that local land use regulations be adopted in accordance with a comprehensive plan.

In addition to providing the basis for future decision-making, the comprehensive plan provides a framework for local land use laws such as subdivision, site plan review and zoning. As such, the Plan includes many recommendations related to improving Berne’s local land use laws.

It is important to note however, that the plan is not a regulatory document; any change to or development of new land use laws would need to be adopted according to NYS Town Law procedures through a separate process. This process would include public hearing(s), an environmental review, and Albany County Planning Board review.

According to NYS Town Law 272-a, the Town Board should review and update this plan as necessary, and include an update of relevant existing conditions and the community vision and goals.

Once a comprehensive plan is adopted, there are several other important implications. First, all government agencies involved in planning capital projects in Berne must first consider this plan. That means the Town now has a much larger stake in what other governmental agencies want to do when they are proposing a project in Berne. Second, it is the policy of New York State to encourage comprehensive planning for the sake of protecting the health, welfare and safety of its citizens. Therefore, most State agencies recognize, if not require, a comprehensive plan as a condition for grants and other funding assistance. This assures that public funds are spent in pursuit of a well-defined public purpose. Long-term, Berne’s grant seeking abilities will be improved because of this Plan.

## **Planning Process Overview**

The Comprehensive Plan is based on community input and an analysis of resources, programs, and other data. A variety of tools were used to gather public opinion throughout the planning process. It builds upon the 1992 Plan and incorporates the knowledge and skills of a citizen advisory committee, the general public, farmers, and business owners.

The process focused on three primary questions:

1. What are the current conditions in the Town of Berne? The Plan is built upon the Town's strengths, weaknesses, opportunities, and threats to the quality of life desired by Berne residents.
2. What is the future direction of the Town desired by the community? The Plan accomplishes this by establishing a community vision and a set of long-range goals.
3. What can the community do to attain its vision? The Plan offers a comprehensive set of recommended actions that address the issues of concern in Berne. Since this Plan updates the 1992 Land Use Plan, the elements of that plan deemed relevant are included in this plan.

This led to the creation of goals and recommendations that can be implemented through policy changes, new program creation or expansion, organizational changes, grant acquisition, regulatory updates, and other alternatives and actions that will guide the Town toward a successful future.

## **Planning Events and Milestones**

The planning process was initiated when the Town of Berne received a grant from the NYS Department of Agriculture and Markets for \$25,000. This project was overseen by a Comprehensive Plan Review Committee appointed by the Town Board. This Committee was established to include farmers, residents, and representatives of the Town Board, Planning Board, and the Town's Conservation Board. Secretarial support was also provided. The Town's planning consultant facilitated meetings, offering guidance throughout the process.

The following took place starting in the fall of 2008:

1. Formation of the Comprehensive Plan Review Committee by the Town Board.
2. Monthly Comprehensive Plan Review Committee Meetings, open to the public.
3. Public visioning and planning workshop.
4. Town-wide community survey.
5. Youth workshop at the Berne-Knox-Westerlo Central School.
6. Survey of business owners.
7. Farm/Agriculture workshop.
8. Development of town-wide inventory and profile of resources and characteristics.

9. Update of all environmental and agricultural resource maps via a computerized Geographic Information System.
10. Evaluation of public input and all data to determine the “Strengths, Weaknesses, Opportunities and Threats” (SWOT Analysis).
11. Definition of agriculture and determination of the role agriculture plays in Berne.
12. Prioritization and identification of priority farmlands in Berne.
13. Development of vision and goal statements.
14. Development of recommended policies and recommended actions.
15. Development of full draft of plan to present to the public and public comment.
16. Submittal of Plan to Town Board (To Be Completed).
17. Town Board review and public hearing (To Be Completed).
18. Draft plan to Albany County Planning Department and Albany County Agriculture and Farmland Protection Board for 239-m and required Agriculture and Markets review (To Be Completed).
19. Environmental review as per NYS State Environmental Quality Review Act (SEQR) (To Be Completed).
20. Adoption of Plan by Town Board via a resolution (To Be Completed).
21. Review and acceptance of Plan by the New York State Commissioner of Agriculture and Markets (as required) (To Be Completed).

## **Agricultural Planning**

In 2008, the Town of Berne received grant funding from the New York State Department of Agriculture and Markets to develop a town-level agriculture and farmland protection plan. The Town decided the most appropriate planning process was to incorporate that agricultural-oriented strategic planning into a full update of the Town’s comprehensive plan. Although this planning process included a comprehensive look at all issues facing Berne, special emphasis was given to agriculture.

New York has a long history of promoting and planning for agriculture and provides funding for these purposes. In 1971, the State introduced agricultural districts through Agriculture and Markets Law 25-aa. This program allows farmers to commit land voluntarily in special areas called Agricultural Districts that encourage and protect commercial farming (See Agriculture Map in Map Section). Agricultural Districts provide farmers with protections and safeguards (such as right to farm) from outside intrusions. Farmland owners may also receive agricultural assessments to reduce the tax burden on farmlands.

In 1992, the State adopted the Agricultural Protection Act which strengthened farmers’ right-to-farm. Article 25-aaa of this act helps to sustain the farm economy and promotes local initiatives to protect agriculture and farmland in New York State and established county-wide Agriculture and Farmland Protection Boards (AFPB). Albany County formed their AFPB in 1993. These



boards advise their county legislatures on actions that impact farms located in county agricultural districts. Counties were eligible for funds to develop county-wide agriculture and farmland protection plans as well. The Albany County Agricultural and Farmland Protection Plan was officially adopted by the Albany County Legislature February 9, 2004 and approved by the NYS Department of Agriculture and Markets April 2, 2004.

Further state legislation in 2006 authorized local towns to develop agriculture and farmland protection plans (Section 324-a). That law requires that local plans include identification of land areas proposed to be protected, analysis of those lands related to their value to the agricultural economy, open space value, consequences of possible conversion, level of conversion pressure, and a description of actions intended to be used by the municipality to promote continued agricultural use. This Comprehensive Plan includes all required components as outlined in Section 324-a.

### **Agricultural-related Planning Activities**

The Comprehensive Plan Review Committee undertook the following:

1. Documented the current conditions of farms and farmland in Town. This included inventorying farms and farmland, developing a comprehensive set of maps of farms, farmland and environmental conditions related to agriculture, and an analysis of this data.
2. Identified public as well as farmer/farmland owner attitudes towards agriculture. This was done through a farmer/farmland owner workshop meeting in which the majority of farmers and farmland owners attended, and a town-wide public survey that included a section on farming and farmland.
3. Identified trends and issues facing agriculture.
4. Identified agricultural needs and opportunities, defined agriculture and its role in Berne, and established a vision and a goal for the future of agriculture in Town.
5. Developed specific strategies to help the Town reach their agricultural vision and goal.
6. Developed a priority ranking system identifying locations that are critical to continuing agriculture in Berne.
7. Developed a full plan document that meets the statutory requirements of Section 324-a of Article 25 AAA of the New York State Agriculture and Markets Law.

### **Past Planning Efforts**

The Town of Berne and other organizations have been active in planning for the future of the area. Planning efforts conducted within the Town of Berne since 1992 include the Berne Hamlet Study and Zoning Changes, and the East Berne Hamlet Strategic Study/Linkage Plan and are included by reference as part of this Comprehensive Plan. Other studies conducted since 1992 have also been reviewed and were an influence on the discussions which have led to this Comprehensive Plan. The adoption of this Plan does not imply any incorporation of all of the specific recommendations of these other previous efforts:

2009 Biodiversity Assessment
Helderberg Escarpment Planning Guide (2002 developed by the Helderberg Escarpment Planning Committee)
Partridge Run Management Plan (developed by the NYS Department of Environmental Conservation)
Albany County Agriculture and Farmland Protection Plan (2004)
Capital District Transportation Committee New Visions 2030 Plan
Effects of Alternative Development Scenarios in the Capital District (2005)
Albany County Economic Data
Chartbook (2001) and other studies by the Capital District Regional Planning Commission

## Vision and Goals

A vision statement articulates the values of the community and outlines what the Town hopes to become in the future. It outlines the specific, long-term direction for the Town and serves to point the direction of where the Town wishes to go. This vision statement developed from understanding of both the current conditions in Berne, and from public visioning workshops, which identified residents' desire for the future of the Town.

In the future, Berne will be a historic, rural community with a strong agricultural economy. Our Town will foster protection of our farmlands and promotes sustainable family farming. A diversity of locally grown agricultural products will be available. Our clean environment and rural character will continue to make Berne a unique hilltown community. Berne will preserve its peaceful and quiet open spaces, and its natural resources including dark night skies, water, land, air, wildlife, and forests. Berne's natural beauty and rural character will remain a hallmark of our Town, and views and scenic areas in Town will be preserved and protected. Berne will practice a land use policy that conserves and protects the natural and human environment.

Berne will continue to be a resilient and sustainable town. It will provide for the cultural, educational and recreational needs of the community. Long-term health, security, and safety of both individuals and the entire community will be planned for. Local services will be available so that travel outside the Town can be minimized. Together with our farms and agri-businesses, more small, locally-based, and low-impact businesses will provide for a vibrant economy with quality job opportunities for residents. Beneficial and cost effective energy will be available, and will include renewable resources. Public services will continue to be provided in a cost-effective way. Berne will develop and promote safe recreational activities for all ages including a community center, walking and biking trails and other outdoor recreational opportunities.

Berne will continue to be a welcoming community. Affordable housing opportunities will exist for all, but especially for young families and our senior citizens. Our hamlets will be safely walked, well maintained, and beautiful. People will take pride in the character and appearance of their homes and our community. Our historic resources will continue to be recognized and treated as important features of the Town and our history and historic buildings will be preserved. The traditional character of hamlets surrounded by low density of housing, open space and farms will continue.

Berne's school will continue to take an active and responsible role in the community. Local residents and government will continue to work well together thus ensuring that Berne remains a peaceful, attractive, and friendly town. We will continue to have a responsible, honest, open and transparent government. Roads will be safe and well maintained. Berne will continue to be a safe place to live and raise children.

Together, these features will create a strong sense of community and a place that continues to provide a high quality of life for our residents.

## Goals

In addition to a vision statement, it is also important for the Town to both conceptualize and articulate its goals. Having a shared vision and goals can help add to Berne's sense of community. Goals refer to what the Town wants to do and are usually expressed from a broad scale or perspective. Goals can also be referred to as statements of intent – what Berne hopes to achieve in 10 to 15 years. Chapters that follow outline steps (actions) on how the Town will reach these goals.

- Goal 1. Preserve and enhance Berne's community character and its small-town rural quality.
- Goal 2. Conserve, maintain and protect the Town's open spaces and natural resources.
- Goal 3. Maintain farmlands and promote agricultural activities.
- Goal 4. Provide for community infrastructure and transportation facilities and services, and the systems to support them.
- Goal 5. Provide for affordable housing opportunities, for such groups as first-time homebuyers, young families and senior citizens.
- Goal 6. Protect Berne's historical resources, and provide for cultural and recreational opportunities for all ages.
- Goal 7. Encourage job growth through establishment of new small and agri-businesses that are consistent with the community character, environmental, and other goals as established in this plan.

## Objectives and Recommendations

Objectives are statements that more specifically outline what the Town feels it is possible to achieve over the 10 to 15 year lifespan of this plan. Recommendations are specific strategies that when implemented, will lead the Town in reaching its goals and objectives. This chapter details specific objectives and recommendations related to each of the seven goals.

Note: Objectives and recommendations established in this plan may serve to meet one or more goals. This is especially true of the objectives and recommendations related to community character. Community character is created through the relationship between the natural and built environment of the Town and is much more than the visual features of the Town.

### Community Character

#### Goal 1. Preserve and Enhance Berne's Community Character and its Small-Town Rural Quality.

Although Berne's visual character is an important, even over-arching feature, so also is the Town's community character which encompasses its' un-built environment (creeks, hills, farmlands, wetlands, woodlands, wildlife habitats, air, water, and quiet nature), the built environment (homes, farm structures, historic buildings, school residences, businesses and the development patterns of these uses), the social and economic population, and economic activities taking place here. All these features combine to form the unique sense of place found in Berne. The objectives and strategies associated specifically with Goal 1 are thus complimented by all the objectives, and strategies that follow in other goals.

#### Objectives and Recommendations

A. *Develop and support community activities and citizen participation.*

**1. Establish a Community Activities Committee.** This ad hoc committee could work to coordinate activities, support existing activities, and develop new ideas.

**2. Provide Support to Organizations and Committees.** Provide assistance where feasible, including financial, political or in-kind services, for community activities.

**3. Support Volunteers.** Use the Town website and newsletters to recruit and then publicly recognize community volunteers on an ongoing basis. Establish a community "award" program to congratulate and recognize the contributions of volunteers.

B. *Encourage development in those areas of town, and in those locations within a parcel where the natural resources are less vulnerable to damage and reduction in quality to preserve resources and rural character.*

**1. Incorporate the Conservation Subdivision Technique into Land Use Regulations.** Amend zoning and subdivision laws to incorporate the Conservation Subdivision technique. The Town should determine the most appropriate locations where conservation subdivisions can be most effective and apply them there. Additionally, Berne could require major subdivisions (over 4 lots) to be designed as a conservation subdivision that preserves 50% of the parcel as open space or could provide incentives to landowners to design a project in this manner voluntarily (see 2 below). Zoning should include criteria defining what is desired for the preserved open space lands.

Open spaces to be preserved should include environmentally sensitive locations (wetlands, floodplains, vernal pools, significant habitats, steep slopes), as well as those areas considered agricultural priorities. For lands identified as being a priority farmland location, lands preserved for open space should be oriented to preserving agricultural lands to the greatest extent feasible. (See Farmland Priorities Map)

Conservation Subdivision technique is a siting and development process. It requires a specified percentage of open space be permanently protected on the parcel (usually 50%) where ag and open space resources are preserved and is designed with the following four steps:

- a. Step 1: Identify critical agricultural and environmental areas.
- b. Step 2: Locate new house sites so each site will have direct or visual access to the ag or environmental areas.
- c. Step 3: Connect houses with trails, roads and driveways that minimize road building.
- d. Step 4: Draw in lot lines (the least important aspect).



**2. Provide for Incentive Zoning.** Some of Berne's goals can be accomplished with incentives. Incentive zoning offers a housing lot bonus above the level allowed in the zoning if the landowner offers an amenity in return to the Town. Incentive zoning is often used to preserve open space, protect farmlands, provide access to streams and other recreational areas, or even to encourage developers to provide affordable lots or housing units.

Density Bonus Incentives are requested by the landowner and are granted on a discretionary basis by the Town Board. Using New York State Law 261-b as a basis, amend zoning to include an incentive zoning program. Incentive zoning offers a landowner or developer with a housing density bonus in return for permanent protection of certain environmental features. Provide density incentives of up to 15% or 20% when a landowner permanently preserves priority farmlands or sensitive environmental features such as stream banks, steep slopes, wetlands, or critical habitats. Further, offer bonuses when public access to open space is provided for and in the hamlets, a bonus for provision of affordable lots or houses.

### **3. Maintain a Stream Corridor in Zoning.**

#### **4. Establish a Mechanism in the Subdivision Law to Site Building**

**Envelopes.** A *building envelope* is the area of a parcel that is disturbed for houses, structures, driveways, and septic fields. During a major subdivision review process, the Planning Board should evaluate conditions and work with the landowner to map and site the building envelope on a location within the parcel that minimizes disturbance to sensitive environmental features to the maximum extent practical.

**5. Provide Suggested Siting Guidelines for New Residences.** Develop a pamphlet as a siting recommendation for a new residence to be attached to the Building Permit Application.

C. *Encourage development towards hamlet areas to continue traditional hamlet/countryside development patterns and character.*

#### **1. Implement Zoning and Design Recommendations from the East**

**Berne Hamlet Strategic Plan and Design Standards.** That plan, completed in October 2007 recommended changing (pages 11 to 24) to the zoning designation for the East Berne hamlet from General Commercial to East Berne – Traditional Neighborhood/Mixed Use district and to expand the boundaries of this area. Together with recommended design standards, these changes are offered to promote the unique character of the hamlet and enhance commercial development here, among other goals. The Town should, by reference, use design guidelines outlined in the Building Form Guidelines, Hamlet Design, Rural Design Guidelines, and Rural Development Guidelines published by the New York Planning Federation. The adaptive reuse of existing structures should be encouraged.

#### **2. Expand Certain Medium Density Residential (MDR) Zoning District**

**Locations.** Expand the MDR districts around the hamlets of Berne and East Berne where floodplain, wetland, steep slope or other sensitive areas do not exist. This will give them “room to grow” at the higher densities allowed for in this zoning district. Although some priority farmland is located in these areas and it is recommended that more dense development be allowed to develop over time in concentrated nodes around the traditional hamlets. This will allow for smaller lots, more opportunities for provision of infrastructure, and continuation of the traditional hamlet growth pattern.

#### **3. Allow For Smaller Lot Sizes When Hamlets Have Public**

**Infrastructure.** If and when septic and water is provided for in the East Berne or other hamlets, amend zoning to allow for smaller, denser development. Currently zoning in the hamlet of Berne already accommodates smaller lot sizes if infrastructure is provided for. Ultimately, lot sizes where infrastructure is provided should be less than 1 acre in size.

**4. Convert Some MDR Areas From Strips Into Nodes.** Many MDR locations are along roads in a strip-like pattern. Evaluate these existing MDR districts (require 1.5 acre lot size) and convert them where feasible from long, uniform strips of higher density along roads to more concentrated nodes. Together with hamlet-like lot dimensions and setbacks, development over time in these areas could create new, small hamlets.

## **5. Prevent Uniform Lot Sizes And “Spaghetti Lots” In Large**

**Subdivisions.** Implement use of conservation subdivisions and anti-monotony provisions in zoning and subdivision for major subdivisions. Monotony comes from not only repetition in design, but use of similar roof trims, roof lines, front facing garages, lack of 360 degree architecture, shallow roof overhangs, and uniform building setback and yard sizes. These are all typical of suburban style subdivisions but are not common in hamlets or areas having low density residential development. Major subdivisions, however can be more sensitive to the character of the area. Common anti-monotony features include:

- Variation of lot width and front setbacks
- Variation in building height
- Variation in roof styles
- Variation in building orientation
- Use of porches
- Use of side-loaded garages or recessed front-loaded garages
- Street trees and landscaping

*D. Establish land use standards to ensure commercial development is of a scale and design that is compatible with existing resources, adjacent land uses, and Berne’s character.*

### **1. Amend Zoning To Establish Commercial Building Size Limits And**

**Design Standards.** Current zoning already establishes design standards and controls the amount of commercial building density for the hamlet of Berne (Traditional Neighborhood Mixed Use TNMU1 and TNMU2). Apply these same density standards for East Berne. For any new commercial district outside of hamlet areas that may be established in the future, limit non-agricultural commercial buildings to less than 20,000 square feet in size and apply the TNMU design standards, or allow for larger buildings only if they are effectively screened from public view. In the Residential Agricultural Forestry (RAF) district, allow for the conversion and use of any size existing building, such as a garage or barn for home occupation use with site plan and special use approvals.

**2. Enforce Existing Zoning Standards.** Berne should make it a priority to enforce existing zoning standards and site plan and subdivision permit conditions imposed by the Planning Board.

**3. Buffer Residential and Commercial Uses.** Zoning should include screening, fencing, setbacks or other methods to buffer commercial buildings where they are adjacent to a residential use.

**4. Enforce Existing Junk Related Regulations.** Current zoning prohibits auto junk yards, junk yards, and dumps. The Town should aggressively enforce these existing rules.

*E. Improve the visual appeal, and promote property maintenance, community enhancement, and beautification programs.*

**1. Create A Town Beautification Program.** Volunteers and/or civic organizations can spearhead such activities. This could include planting flowers, assisting in the painting



of homes or other structures, donation of paint, etc. The Hamlet of East Berne Strategic Plan includes many recommendations to improve the landscaping and aesthetic condition of the East Berne area. Other ideas could include improving properties by mowing, cleaning up trash, and getting youth services groups involved.

**2. Enhance Community Gateways with Landscaping and Signage.** Enhance the community gateways with “welcome” signs. The East Berne signs are a good model for the entire town. An ongoing commitment to maintenance is also needed. Gateway signs should have landscaping and should establish a theme. The Hamlet of East Berne Strategic Plan includes several recommendations to improve the gateway signage in the East Berne area.

*F. Maintain the quiet and peaceful atmosphere of Berne.*

**1. Amend And Coordinate Site Plan And Special Use Permit Standards Related To Noise.** Zoning establishes a policy about, but does not have measurable standards for noise. . Maintain current policies but establish measurable standards to be applied during site plan or special use permit reviews for commercial (non-agricultural) development. It is recommended to use the L-90 as a standard to measure the rural ambient sound level at site locations to determine intrusiveness of new sounds. It is further recommended the DEC documents “Assessing and Mitigating Noise Impacts” (as revised February 2001 and thereafter) be used for guidance and reference in establishing objective standards using Berne’s rural ambient sound level as a reference level.

**2. Reduce Noise Related To Recreational Vehicles.** Explore issues related to and methods of controlling the noise of recreational vehicles as to location, speed, and time so that they do not become nuisances.

**3. Amend Zoning To Control Excessive Lighting And Glare.** The zoning law should include additional development standards to control lighting from parking lots and commercial buildings to prevent glare and night time pollution. Require that all non-agricultural and non-residential lighting use fully shielded fixtures and consider other model development standards for outdoor lighting which address light pollution and glare from the International Dark Sky Association.

*G. Minimize negative impacts related to new development to both the built and un-built environments in Berne.*

**1. Implement Small and Large Wind Policies.**

- a. Small Wind: The Town of Berne recognizes the alternative energy and independent production benefits of small wind turbines to residents. It also recognizes that small wind turbines<sup>1</sup> can produce noise, have moving parts that may be bothersome to others, can damage structures and property if they fall down, and be visually intrusive on adjacent and nearby properties.

In recognition of these factors, the Town will allow for the use of small wind

---

<sup>1</sup> Small personal use wind turbines generate electricity primarily for onsite use by a single residence, business, or farm. Are up to 125 feet tall. Large commercial wind turbines are over 125 feet tall but are usually three to four hundred feet tall that generate electricity for onsite use by businesses or non-residential uses or for the general electric grid by municipal facilities or commercial wind farms.

turbines for personal, on-site generation of electricity but will establish a regulatory mechanism designed to protect adjacent and nearby residents and landowners from potential negative impacts associated with small wind turbines. Specifically, regulations must establish standards to address noise, setbacks safety, and visual impacts of small wind turbines.

In order to implement the above policy, the Town of Berne is recommended to:

- i. Adhere to the Zoning Law that allows small wind turbines in approved zoning districts through a renewable special use permit and site plan approval issued by the Planning Board. This will allow the Planning Board to review each application in context and on a site-by-site and unit specific basis. A renewable special use permit will ensure ongoing wind turbine maintenance and implementation of any permit conditions.
- ii. Establish special permit development standards for small wind turbines that:
  1. Minimizes impacts to the ambient noise conditions in the neighborhood by controlling the maximum decibel level allowable. Authorize the Planning Board to review the frequency and duration of noise produced by the turbine, and if necessary, establish the ambient noise levels near the proposed site in order to understand existing conditions and mitigate impacts;
  2. Ensures safety of life and property by establishing minimum setbacks from all lot lines and structures that are at least as long as the length of the turbine plus the blades;
  3. Minimizes visual impacts to neighbors and adjacent properties that may result from placement of the turbine and the movement of the blades. Visual impacts can be minimized by careful siting of the wind turbine. The Planning Board should also be authorized to evaluate the potential for, and minimize shadow flicker;
  4. Sets up a special use and site plan review process that includes enhanced notification requirements so that all nearby and adjacent landowners are informed about the proposed small wind turbine and have the opportunity to attend a public hearing and comment on the application;
  5. Ensures that small wind turbines located within the Town of Berne Historic District are reviewed and permitted in a manner that is consistent with the requirements of the Historic District; and
  6. Addresses removal of abandoned or non-working small wind turbines and ensures that any costs associated with removal are borne by the landowner.

- b. Multiple Large Commercial/Industrial Use Turbines for Sale of Electricity Large Wind: Berne should prohibit the use of single or multiple commercial/industrial scale wind turbines everywhere within Town. This recommendation is based upon, and with acknowledgement of, the following points:
- i. There is a strong consensus, as shown in the survey and planning workshop results that residents want to retain and preserve the rural character of Berne. Retention of this character, which is described as quiet and peaceful with abundant, unspoiled natural resources, open space and uncompromised scenic views is of primary importance to the vast majority of people who participated in the survey and workshop. Large scale wind development would be inconsistent with these values and detrimental to them.
  - ii. Health, safety and welfare of people is of paramount concern to residents and is consistently highly valued throughout the survey.
  - iii. Survey results showed a substantial rejection of large industrial development of any sort in Berne.
  - iv. Large commercial/industrial wind facilities were the least desired type of any renewable energy source explored, as shown in survey results.
  - v. A majority of survey participants expressed a wide range of concerns related to large wind facilities. These concerns included negative impacts on noise levels, visual resources, quality of life, wildlife, property values, and health and safety issues associated with commercial/industrial wind development in Town.
  - vi. Wind resources in Berne are inadequate to support viable commercial/industrial wind facilities. (The U.S. Department of Energy's wind map for New York State shows the Resource Potential to be "Marginal" – just above the lowest category of "Poor" with three areas of New York State classified as either "Excellent", "Outstanding" or "Superb" including South and East of Lake Ontario, Lake Erie, and Long Island, not Albany County. NYSEERDA's current evaluation of New York State counties that have viable wind omits Albany County as well.
  - vii. A greater number of survey participants indicated large commercial/industrial wind turbines for sale of electricity should not be allowed anywhere in Berne, as shown in survey results.

Nevertheless, commercial/industrial wind development remains a controversial and divisive issue within the Town, and a sizeable minority of residents has favorable attitudes toward these structures. The complex and wide ranging issues inherent in large commercial/industrial wind development are the source of this conflict.

While a prohibition on commercial/industrial wind development is the recommended action in this Comprehensive Plan for the specific reasons outlined above, the Town of Berne values and recognizes the importance of alternate energy. That recognition is not in question in establishment of this policy, and the majority of residents had favorable attitudes toward all the other types of renewable energy sources if proposed for Berne including biomass energy, hydro-electric, solar, geothermal, and small, personal wind

turbines. Rather, the suitability of large scale commercial/industrial wind turbine development within the Town and its potential to alter the very features most prized is of primary importance.

1. Amend the Town of Berne Zoning Law to prohibit both single and multiple large commercial/industrial wind turbines in all locations and further amend zoning to ensure that both single and multiple large commercial/industrial wind turbines are defined to be consistent with this Plan.
2. In the future, the town-wide prohibition of large commercial/industrial wind turbines may be lifted only after a scientific, comprehensive study by non-industry, objective agents or agencies yields documented data that public health, safety, and welfare will not be negatively impacted, and that there would be negligible negative consequences to the Towns' environment and character. Prior to lifting of any zoning prohibition, this Comprehensive Plan would be required to be updated pursuant to NYS Town Law 272-a.

Subsequent to that, new zoning standards must be established based on the wind study data to address health and safety issues as well as other topics including but not limited to controlling location, noise, siting, height, and setbacks. Zoning should also establish a significant permitting review procedure, require use of the Full Environmental Assessment Form for State Environmental Quality Review Act (Part 617) (SEQRA), and require both special use and site plan approvals.

## **2. Implement Solar Policies**

The Town recognizes the alternative and independent energy production benefits of solar panels to residents. Results of the survey showed that solar were the preferred method of alternative energy production. In most cases when properly situated, solar panels are relatively unobtrusive; however, banks of solar panels could cause shadow issues on neighboring properties, and have the potential for causing reflective glare issues to near or distant properties or roadways. Multiple banks of solar panels for large farm or business use could be considered by some residents to be unsightly and not in keeping with the rural character of the town. The survey did not distinguish between large and small installations, or roof-mounted versus ground-mounted panels.

The Town recognizes that survey results showed a substantial rejection of large industrial development in the town, and large banks of solar panels could be included in that category.

As with wind power, there are various categories of solar generating facilities that need to be considered.

a. Solar for onsite generation and use:

The Town will allow for the use of solar panels for residential, business and farm onsite electrical generation for primarily onsite use, but will establish a regulatory mechanism for permitting and siting which protects neighboring properties from panel shadows and takes into consideration installations for large farms and businesses.

In order to implement the above policy, it is recommended the Town adhere to the current permitting policy for roof- and ground-mounted solar panels for residences, and considers larger setbacks and/or visual mitigation measures for installations for large farms and businesses.

b. Community Net Metering

The NY Public Service Commission announced new rules in July 2015 allowing Community Net Metering (CNM) in New York State. CNM provides for a group of consumers who wish to utilize solar energy but cannot or do not wish to install panels on their buildings or property. These facilities exist at an offsite location which is near a three phase line and feed directly into the grid. Participating customers receive their energy from the grid, purchasing it from the CNM facility at a rate calculated by the facility and the local electricity provider. These facilities can only exist independent of the present electric grid if they run their own set of power lines to each customer.

A 2 MW facility takes up approximately 10 acres of land, with multiple banks of solar panels and an inversion station onsite. While often located in the same town or general area, consumers need only be connected to the same electricity provider in the same load zone<sup>1</sup> as the facility, and need not live in the same town or even the same county where the facility is located.

In order to implement the above policy, it is recommended the Town create a permitting process and/or zoning regulations as it deems appropriate for these facilities, taking into

consideration their benefits and impacts to the Town. Impacts to be considered include but are not limited to: the rural character of the Town, reflected glare on area properties and roads, shadow on neighboring properties, fire department services, runoff and erosion potential, hazardous waste<sup>2</sup> exposure upon damage or decommissioning, and decommissioning of a non-functioning facility.

<sup>1</sup> The electric grid is divided into load zones, based on location of electric generators and transmission lines. [https://www.nationalgridus.com/niagaramohawk/non\\_html/rates\\_load\\_zones.pdf](https://www.nationalgridus.com/niagaramohawk/non_html/rates_load_zones.pdf)

<sup>2</sup> <http://solareis.anl.gov/guide/enfironment/index.cfm>

**3. Establish a local Type I list for SEQRA.** The Town should review the existing list of activities on the local Type I list from NYSDEC and amend it to include other activities that the Town considers likely to result in negative environmental impacts. When a land use is included on a local Type I list, then the Town must require use of the Full Environmental Assessment Form during its SEQRA review.

**4. Ensure New York State Stormwater Requirements are met.** Ensure that all New York required stormwater protection standards (State Pollution Prevention and Discharge Elimination System or SPDES) are met during development. Use the NY SPDES General Permit process for construction activities as guidance.

**5. Edit Zoning to Allow for Site Plan Review of Land Disturbances at the Earliest Stage of Development.** Amend zoning to require a Site Plan Review process for not only to new commercial land uses, but also for grading, cut and fill, and creation of new curb cuts take place for residential development.

**6. Establish Programs to Protect the Helderberg Escarpment.** The forested escarpment areas identified in the Helderberg Escarpment Plan and are major scenic resources, integral to the character of the town. For long term protection of these areas the following measures should be adopted:

- a. Add the escarpment areas to the official town map and designate them as green space of significant value to the town;
- b. Develop a long term protection plan for the escarpments including such strategies as outright purchase of critical areas, donation of permanent conservation easements, or donations of land to the town or a conservation organization such as The Nature Conservancy.
- c. Establish limits on heights of structures including all types of towers; and
- d. Establish logging controls to prohibit clearcutting in these areas.

## Open Space and Natural Resources

### Goal 2. Conserve, Maintain and Protect the Town's Open Spaces and Natural Resources

Open spaces and natural resources are defined to include old fields and agricultural lands (See Goal 3), lakes and streams, floodplains, watersheds, escarpments, forested lands, clean air, scenic vistas, dark night skies, clean water (surface and groundwater), wildlife habitats.

#### Objectives and Recommendations

A. *Preserve the Town's many environmentally sensitive lands, protecting them from any adverse impacts man-made development may have on land, air, water quality, natural habitats, unique land formations and public health, welfare, and safety.*

**1. Enforce existing environmental laws.** Ensure that all development review processes (site plan, subdivision, and special use) complete adequate environmental reviews to meet SEQRA, federal floodplain laws, State and federal freshwater wetland laws, State stormwater and pollution prevention laws, and other environmental laws. Ensure that all Planning Board and Zoning Board of Appeals members are adequately trained in these laws requirements and procedures.

**2. Prohibit natural gas hydro-fracturing (hydro-fracking) and its associated activities and take an active role in advocating for the prohibition of hydro-fracking.** Protection of the water quality of Berne's aquifers is of central importance to our drinking water and our agricultural uses.

- a. Prohibit natural gas hydro-fracturing and the storage or dispersion of resulting waste material above or below ground.
- b. Prohibit exploitation of Berne's water resources such as removal of high volumes of water. The Town considers removal of volumes of water needed in hydro-fracturing as an activity to be inconsistent with this and other goals and objectives set forth in this Plan.
- c. Take an active role in advocating for the prohibition of hydro-fracturing for gas mining and other heavy industrial purposes.
- d. Prohibit any pollution of Berne's natural resources as a consequence of the industry.

**3. Promote natural resource education.**

- a. Develop a public education program designed to teach appreciate of Berne's natural resources. Work with the CAB, teachers, volunteers, and organizations to craft and implement the program.
- b. Promote enjoyment of the outdoor recreational opportunities available in Berne,
- c. Increase availability and accessibility of information and maps to the public.
- d. Promote the Town's natural resources through the Town's newsletter, website, and community activities centered around the resources.

- e. Promote educational programs that work to prevent and eradicate invasive species.
- f. The CAB should work with the DEC and local organizations to develop these programs.
- g. Seek funding to support these efforts.

**4. Use conservation subdivision development.** See also recommended actions for Goal 1.

**5. Offer Incentives for Preservation of Sensitive Locations.** Incentives could include use of density bonuses (see Goal 1) or tax credits.

**6. Preserve Lands through Use of Easements or Land Purchases.** Initiate programs that protect sensitive environmental locations and priority agricultural lands through easements or land purchases. The Town should expand easements and conservancy properties to protect critical environmental areas. The CAB should identify specific sites, animals, or habitats needing protection. Make available one or more of the following easement programs.

- a. Develop a voluntary Transfer of Development Rights program (when the development rights from one parcel desired to be preserved are transferred to another parcel that is more desirable to be developed.)
- b. Develop a Lease of Development Rights program (when the development rights on a parcel desired to be preserved are leased for a certain amount of time. Often this is accomplished through providing tax benefits in return for a term easement that restricts development for 10 to 15 years.)
- c. Develop a Purchase of Development Rights program (when a conservation easement is used to permanently preserve the parcel by purchasing the development rights.)

**7. Fund Easement Programs.** Explore all funding opportunities for these programs including grants, foundations, land trusts, and public money through local funds. Local funds can come from town appropriations from general or discretionary funds; general obligation bonds (voted on as a referendum by the general public); establishing fees; Town real estate transfer taxes (when authorized by New York State); Federal funding (USDA Farmland Protection Grants, Farmland Protection Programs of the Farm Bill); or State funding (NYS Farmland Protection Grants). The Town Board should coordinate grant writing activities in Berne and create an overall approach to pursue grants.

**8. Promote regional collaboration and planning.** Work together with other hilltowns to identify, prioritize, and find mechanisms to protect environmental resources that cross town lines and that are important to the economy and quality of life of the entire hilltown region.

**9. Use GIS maps during project review.** Arrange for the Planning Board and the Zoning Board of Appeals to have a computer for use during their project reviews. The computer should have all GIS data and maps prepared for this Plan on it. This data should be accessed on a regular basis so the reviewing board can understand parcel-level environmental data. Arrange for training in use of the GIS data.



**10. Minimize Impervious Surfaces.** Review and amend zoning where necessary to minimize impervious surfaces for new development in Town. Establish an impervious surface requirement in zoning (usually measured as the percent of the lot allowed to be in impervious surfaces). This will reduce runoff and minimize erosion and water pollution.

**11. Amend Zoning to Allow for Use of Average Lot Sizes in the RAF District.**

Change the 5 acre MINIMUM LOT SIZE requirement in the RAF district to a 5 acre DENSITY. Currently, the minimum lot size in the RAF district is 5 acres. That means every lot must meet that size. However, that practice will result, over time, in creating a fragmented landscape covered with 5 acre parcels. Conservation Subdivisions allow flexibility in lot sizes and are useful to preserve open space during development. However, this technique is most useful for large subdivisions. Use of density instead of minimum lot size is a technique that is needed that recognizes that much of the development in Berne will be through small subdivisions.

Five acre density means that lot sizes could be variable as long as the 5 acre density over the entire parcel is maintained and lot size would be determined by water and septic system needs. For example, 50 acre parcels with a 5 acre density would be eligible for 10 new lots but 5 of them could be very small (1.5 acres) with the remaining very large. Use of average lot sizes makes it feasible and easy to preserving open space. Creation of more affordable small lots is another advantage of this technique.

**12. Strengthen the Importance of Wildlife Habitats During Project Review.**

Amend subdivision, site plan and zoning so that applications must identify, locate, and preserve to the maximum extent unique and valuable wildlife habitats.

- a. This should specifically include requiring both identification of vernal pools (temporary wetlands) on a parcel and establishing setbacks that preserve the vernal pool itself and its adjacent upland habitats. Vernal pools are the primary breeding area for many species of frogs and salamanders.
- b. The Town of Berne Biodiversity Study offers a variety of procedures and recommendations on ways the Town can maintain ecological biodiversity. These recommendations and procedures should be considered “Best Management Practices” for maintaining habitats. The Planning Board should apply these techniques where needed to mitigate negative environmental impacts of a project. The Town should also work to educate landowners about these land management practices so residents can apply them as they undertake their own private land management activities.

**13. Eliminate MDR District Areas that are Located in Environmentally**

**Sensitive Locations.** Remove those Medium Density Residential (MDR) zoning districts that intersect with floodplains, steep slopes, or wetlands. These locations are not appropriate for the higher density associated with MDR districts.

**14. Protect Steep Slopes.** Development on slopes greater than 20% is not only expensive and difficult to accomplish, but increases runoff and erosion of shallow soils. Steep slope development can impact on stream quality due to runoff and erosion. A site plan should be required for all residential development and non-agricultural commercial development on slopes between 20% and 25%. Amend zoning to create an enhanced modified site plan review for to evaluate siting of new structures on steep slopes. Prohibit new structures on slopes in excess of 25% slope.

**15. Protect Scenic Views.** Develop a comprehensive scenic view inventory and protection plan. Components of this could include:

- c. Encourage public participation in the review and refining of the scenic view maps included in this plan.
- d. Creation of a local scenic roads program with map, signage and route markers.
- e. Identification of locations that have long-views from public roads where maintenance of open space for viewing is critical.
- f. Creation of a collaborative program between the Town and landowners to maintain critical view locations. Long-term this may benefit from use of easements to protect certain locations. Some towns have informal or formal agreements with landowners to maintain open conditions for viewing (ex. highway departments cut brush or trees periodically).
- g. Planning Board and Zoning Board of Appeals use of the Scenic View Map during SEQRA procedures. SEQRA requires evaluation of a project's impact on the character of a neighborhood and it recognizes the role of scenic areas to the environment. The Boards should use the scenic map to determine if a project is likely to have a negative impact on that resource and then work to mitigate any such impact by project alterations (height reductions, careful placement of structures, camouflage, etc.).

**16. Develop land use guidelines and standards.** Review and amend zoning and subdivision laws so that future growth and development has minimal negative impact on the Town's open spaces and natural resources.

B. *Improve sewage disposal systems within the town to reduce contamination of ground and surface waters.*

**1. Complete the Berne Hamlet Sewer Project And Continue Maintenance** (completed June 2014.)

**2. Educate the Public.** Use all opportunities like the Town website and newsletter to educate the public on the need for and how to properly maintain septic systems.

**3. Work with Albany County.** Work with the Albany County Department of Health to evaluate other options the Town can use to positively address septic system maintenance in town.

- a. Provide training for the building department through the New York State Onsite Wastewater Treatment Training Network to enhance identification of possible septic system failures.

**4. Obtain and Use Guidelines on Septic Management.** The Town Board, Planning Board or CAB should obtain and use all available documents from sources such as environmental agencies and universities

C. *Develop programs, policies, and facilities that reduce contamination of ground and surface waters and that ensure safe drinking water supplies.*

**1. Establish a water quality monitoring and contamination response program.**

- a. The Town Board should initiate this program and assign a key point person to facilitate it on behalf of the Board. This program should include several components including:
  - i. establishment of baseline data on ground and surface (lake, streams, wetlands) water quality and quantity in Berne;
  - ii. ongoing monitoring of surface and groundwater conditions to identify when and where a problem arises;
  - iii. evaluation of the issue and determination as to what is contributing to the problem; and
  - iv. development of an inventory of options available to both the Town and landowners to solve the water quality issues.
    - 1. If a problem is detected, options include, but are not limited to, use of a sewage works corporation, a sewer district, public or private wastewater disposal districts, private septic system management, public septic system management, and best management practices.
    - 2. If the Town considers new public infrastructure as an option, Berne should prevent expansion of water and sewer beyond hamlet areas and densely populated lake shore areas into other, less dense locations in Berne as that will be a growth inducement not consistent with other goals of the community.
    - 3. Establish a program to spot check for nitrate contamination in high likelihood areas. These would include areas with high concentrations of active farms and densely populated areas.

**2. Conduct a groundwater resource study for the Town of Berne.** This study should identify important groundwater recharge areas and determine locations vulnerable to groundwater pollution. Consider using the New York Rural Water Association for assistance on this study. A groundwater study should include use of available well logs and additional exploratory borings to identify specific locations for future water supply wells.

- a. The town should develop systems to collect and tabulate logs from well drillers for all new wells drilled in the town including all data on dry holes to better identify areas of the town with marginal groundwater resources. Once known, amend the zoning as needed to ensure that development levels match water capacity.
- b. In areas identified as having limited water capacity, the town should adopt more stringent pump test requirements for new wells to prevent interference with nearby existing wells; this could include a longer pump test period (eight hours instead of four) and observation readings from nearby wells that might be impacted by the new well.

**3. Create Aquifer Protection Areas, if Needed.** If results from the groundwater study warrant it, the Town should create aquifer protection overlay districts to protect drinking water quality. Once sensitive hydrogeological areas are inventoried and mapped, Berne could establish an Aquifer Protection Overlay District in zoning as follows:

- a. Protect important recharge areas from polluting land uses where important groundwater resources are located. This would include identifying and protecting from polluting land uses groundwater resources for the hamlets.
- b. Adopt septic system design standards requiring a greater depth to groundwater or bedrock than existing standards for these areas.
- c. Control land uses such as gas and fueling stations, storage of petroleum, spreading of sludge, and similar uses that pose threats to groundwater.
- d. Establish guidelines to protect aquifers and their associated streams, water bodies and related properties from exploitation by governmental or private entities.

**4. Identify and Protect Future Water Supplies.** To preserve the option of providing public water in Berne, the Town should identify and preserve good locations for future public wellfields. The Town may be able to protect drinking water supplies for future use by obtaining a right of first refusal for purchase of critical lands from the owner, should they come on the market.

**5. Establish a Lakeshore and Stream Protection Program.**

- a. Identify lakeshores and streams that are at risk due to loss of vegetation, erosion, excessive slope, or loss of wildlife species as part of the ongoing program to measure and monitor water quality (recommended above).
- b. Develop solutions to solve specific issues found. These solutions could include, but are not limited to establishment of a stream corridor and lake shore overlay district, limiting removal of natural vegetation within the stream corridor, and establishing setbacks of new structures from the shore or stream banks.

**6. Evaluate the Need for Agricultural Setbacks from Streams and Lake Shores.**

Confer with the US Natural Resources Conservation Service and the County Soil and Water Conservation District and landowners to evaluate and develop reasonable agricultural setbacks necessary to protect major watercourses from water quality degradation. Promote agricultural best management practices that work to keep farm animals from damaging streams and stream banks.

*D. Evaluate water resources for future growth. Develop land use guidelines and standards to ensure that new development levels are compatible with available drinking water resources.*

**1. Conduct a buildout analysis.** Commission a buildout analysis that would use existing zoning districts and densities to determine how much development potential there is in Berne under current zoning regulations. Use the results of the study to evaluate the adequacy of existing density regulations and the compatibility of growth

potential with agriculture, open space, and other goals as established in this plan. The buildout analysis should use the GIS database created for this plan.

## **2. Work with Rensselaerville to Plan Watershed Protections for Lake**

**Myosotis.** Lake Myosotis in the Town of Rensselaerville serves as a public water supply for the Hamlet of Rensselaerville. Land use in Berne can affect the watershed for this lake. Part of the watershed area in Berne is located within Partridge Run and is thus protected from development. Some of it extends to the end of Peasley Road and Cook Hill Road which are in the RAF district and thus could be developed. Work with the Town of Rensselaerville to establish watershed protections for lands in Berne. These watershed protections should include use of best management practices for land uses and a prohibition on the storage of chemicals, gasoline, or other petroleum products.

## **3. Protect Major Watersheds.**

- a. Identify and map watersheds for Helderberg, Warners, Thompsons lake as well as other important bodies of water.
- b. Establish land development standards designed to protect water quality within those watersheds.
- c. Establish a watershed protection overlay district to limit highly polluting land uses, and maximize use of pervious surfaces to limit stormwater issues.

## **4. Establish, pursuant to SEQRA, critical environmental areas to encompass known and inventoried critical habitats or other vulnerable areas in Town such as the limestone areas and the escarpment.**

## **5. Implement Strategies from the Helderberg Escarpment Planning**

**Guide.** Implement recommendations of the Helderberg Escarpment Planning Guide, including educating the public on the escarpment resources in the Town of Berne.

- a. Create a Resource Conservation Overlay District to protect the escarpment area where the groundwater is especially vulnerable. This new district should ensure:
  - i. Boundaries which follow or outline the major escarpments and to include 200 feet or more setback from the escarpment edge.
  - ii. Ten acre net density or minimum lot size.
  - iii. Site plan review for all building, including residential.
  - iv. Strict limits and enforceable regulations on tree removal.
  - v. Establish setbacks to protect escarpment from visible buildings.
  - vi. Requirement of erosion and sedimentation control standards.

## **Agriculture**

### **Goal 3. Maintain farmlands and promote agricultural activities.**

#### **Definition of Agriculture**

Agriculture includes equipment, processing facilities, on-farm buildings, manure processing and handling, and practices that contribute to the production, preparation, or selling of crops, livestock, and wood products, including commercial horse boarding operations, aquaculture, compost, mulch and other biomass operations. Agriculture is an activity that produces food, fiber, animal products, wood products, and other goods and services from the land including but not limited to maple syrup, bee products, and Christmas trees.

The Town of Berne recognizes that there are many different kinds of farms including hobby or subsistence farms that produce agricultural goods but whose intent may not be as a business; and production or commercial farms that operate with the intent to make a profit as a business. Both kinds of farms are working landscapes that help maintain the rural character and the economy of the Town.

#### **Role of Agriculture in Berne**

Agriculture plays many different roles in Berne. According to information from the public workshop, farm focus group, town-wide survey, and other data (See Appendix A), the following roles for agriculture in Berne has been identified:

- Contributes to beauty of area
- Offers career and jobs
- Enhances the character of the town and is part of the Town's rural identity
- Contributes to the economy of the town
- Protects the environment
- Offers an environment that is safe and healthy for raising children
- Agriculture maintains important open spaces and contributes to the diversity of habitats in Town.
- Contributes positively to the tax base (does not need as much expenditure in services as other land uses)
- Promotes community
- Provides clean air
- Provides fish and wildlife habitat as well as recreation – hunting, fishing and hiking
- Provides a source of fresh and safe food
- Undeveloped land on farms contribute to water quality
- Provides a wholesome experience for children

#### **Challenges**

The following issues were identified through the public input process and are listed in order of importance as indicated by the farm community itself.

- Prices paid for farm products are low and cost of production is high
- Cost and availability of labor
- Rising taxes and the tax burden
- Lack of processing facilities
- Lack of youth involvement in the Future Farmers of America

- Quality of soils and land vary significantly
- Lack of local farmers market or other marketing outlets to move product and no organized means of selling.
- No local commercial retailers for ag produce
- Have to go so far for basic farm supplies and an absence of support services
- Gas drilling can have negative impacts on farming
- Lack of expert advice on what Berne is best suited to grow, plant, or raise
- Difficulties passing on farm to family when farmers retire/die. Beneficiary's can't operate at a profit
- Development pressure to sell land
- Lack of funding
- Marketability of products without quality control
- Cost of materials
- DEC regulations and other government restrictions
- Difficult getting medical insurance (reasonably priced) for farmers
- Lack of care and knowledge about farms by Town of Berne residents
- Manure management
- Lack of programs to bring young people into farming
- No high speed internet
- Few veterinarians
- Lack of affordable housing
- People not educated about the quality of locally and naturally grown food vs. mass produced supermarket food
- Little political advocacy for farming

### Objectives and Recommendations

*A. Adopt Town policies on growth and development that limit negative impacts on agriculture. Integrate agriculture as a critical resource to be evaluated in all development review processes. Update land use regulations to ensure a supportive business environment for farming.*

**1. Evaluate Impacts of Development on Farms.** Continue to ensure that impacts on agriculture are taken into account during project reviews by the Planning Board. Local laws should be amended so that all data required by the boards to do a comprehensive review are part of the project application process. As such, amend site plan, special use and subdivision laws to require submission of data on agricultural resources on the proposed project site (soils, in a NYS Ag District, whether active farming is taking place, etc.).

The Planning Board should continue to review the NYS Agricultural District Map in relation to the proposed project, review the Ag Data Statement submitted by the applicant as required by NYS Agriculture and Markets Law, and seek to understand current farming activities in the area near the project and evaluate the projects impacts on them. Some questions that the Planning Board should ask to determine if a project will negatively impact farms include:

- What potential conflicts between the existing farm and the new use will be created? How will these conflicts be prevented or addressed?
- Will the new use negatively impact a farmers' ability to use existing right-of-ways or farm roads needed to access fields?
- Will the new use affect land values and rental rates for agricultural uses?
- Will there be access for agricultural equipment?

- Will this new use spur additional non-farm development in the area in the future?
- Is the landowner familiar with the nearby agricultural practices that will be used and how will they be educated about them?
- Will the new use remove significant land from being available for farming?

**2. Amend zoning to include a right-to-farm clause.** A right-to-farm law protects farmers from nuisance complaints made about standard farming practices. They are designed to strengthen the legal position of farmers when neighbors sue them for private nuisance and also protect farmers from unreasonable controls on farming operations. While both New York State and Albany County have right-to-farm laws in place, local municipalities also adopt them to supplement those protections.

**3. Amend Land Use Laws to be More Farm-Friendly. Use the Land Evaluation Site Assessment (LESA) ranking map to identify agricultural overlay districts.**

- Amend the subdivision and zoning laws to require the use of conservation subdivision design for large subdivisions and on parcels of land classified as priority farmlands so that as much farmland can be protected as possible.
- Propose new non-farm development that is adjacent to farm activities meet larger setbacks to create a buffer between the new use and farms. Agricultural buffers can reduce conflicts between new residents and nearby farms. They are often 30 feet to 600 feet wide areas that are kept undeveloped to screen out sites, sounds, and smells from nearby farms. Trees, shrubs, or fences can be required as part of the buffer. The buffer is required as part of a new subdivision approval (not from farmer) and should not restrict farm operations in any way.
- Amend the site plan review law to enhance the review of a project's impact on agriculture and ensure proper siting of new development in a manner that reduces negative impacts on farming.
- Amend the zoning law to be more farm-friendly. While the Planning Board in practice, accomplishes many of the following, the zoning should be codified to include the following:
  - Include ag tourism uses (u-pick operations, hay rides, farm/ranch vacations, etc.) as allowable uses in the RAF district and as allowable accessory uses on an agricultural operation.
  - Add farm stand and/or roadside stand to the use table as a permitted use wherever farms are allowed.
  - Allow for use of mobile homes for farm workers on farms located within the NYS Ag District. It is unlawful, according to State law, to prohibit use of mobile homes in a NYS Ag District for ag employee housing.
  - Add a requirement that the Ag Disclosure Statement be required for site plan, special use and subdivision applications located within the NYS Ag District. Currently it is required only with special use permits. This Disclosure notifies new landowners that they are buying or using land within a designated NYS



Ag District and that they may be subject to noise, odors, and other farm-related affects. The Statement should be included in the permit or noted on the site plan or plat to notify all parties that the property is located within an Ag District. The Disclosure Statement is required by NYS Agriculture and Markets Law for all real estate agents, but including it as a town level requirement is more effective.

- v. Add a requirement that the Ag Data Statement is required for site plan, special use and subdivision applications located within the NYS Ag District. This Data statement should be part of the application and it identifies adjacent farmers that could be impacted by a proposal. The Ag Data Statement is required by NYS Agriculture and Markets Law. Berne should ensure that all parties identified on the Statement are notified about any project's public hearing.
- vi. Include more agriculturally-related definitions that are consistent with this plan such as agri-business, agri-tourism, and niche farming.
- e. Identify appropriate lands and establish an agricultural overlay district with development standards designed to promote and encourage farm activities and active use of farmlands. Use the LESA Farmland Priority map as one tool to help identify those areas that are suitable for inclusion in an overlay district. The Town should enlist help and resources from organizations such as the American Farmland Trust, the Capital District Regional Planning Commission and others to help develop this.

*B. Develop an agricultural economic development program to increase market opportunities and marketing strategies for local agricultural produce and products.*

**1. Promote Farming in the School.** Work with the school district to promote the Farm-to-School program along with, school-based gardens, and farm-based school trips.

**2. Advocate for Agriculture at the County Level.** Aggressively work with Albany County Economic Development Staff and organizations to promote agriculture and specific county-sponsored programs related to agriculture. Necessary steps include:

- a. Promoting agricultural buying cooperatives (such as fuel cooperatives) to reduce farm production costs;
- b. Expanding County Industrial Development Authority programs to better support production agriculture. Promote agricultural business development in this agency so that the same incentives are given to farming and ag businesses as other businesses. Consider use of a revolving loan fund, an agricultural local development corporation, and rural business grants, etc. to promote agriculture in the County. These programs should target entrepreneurial, emerging and expanding agri-businesses.
- c. Working with Albany County and New York State, enable provision of cable and high-speed internet access to all locations in the Town. This is necessary to attract businesses. See also Goal 4, Objective E, Action 1.
- d. Encouraging the Albany County Agriculture and Farmland Protection Plan to be kept up-to-date.

- e. Assisting in funding an ag-economic development specialist or circuit rider staff person to assist local farmers in expanding and retaining their farm operations.

**3. Seek Funding Opportunities for Farmers.** Help farmers in finding other funding opportunities in the forms of loans, grants, and tax incentives directly for new farm, farm expansion, and ag-business development.

**4. Collaborate with Neighboring Towns.**

- a. Work with the other hilltowns and Albany County and explore formation of a local Agricultural Development Corporation that can provide incentives and tax benefits for new and expanding agricultural businesses.
- b. Work with the other hilltowns and Albany County to develop a product branding program for area agricultural products. This brand can be an important marketing tool and should be used in Berne.
- c. Organize and promote a local farmers market. Inventory local farmers that have products suitable for sale in a farmers market and provide leadership to help them work together.
- d. Berne farmers can collaborate to develop an agricultural processing and transportation network so that there is coordination and reduction of costs for moving produce from Berne to other markets that already exist.

**5. Promote Farms and Farm Diversification in Berne.**

- a. Use the Town web site to create a farm-oriented page within the site and add links to farm businesses as available.
- b. List farms and farm products in Town – especially those that sell directly to consumers. Farmers could contribute to the maintenance of this webpage. Promote use of the Grow NY and Pride of NY materials to promote fresh foods and agriculture in Berne.
- c. Advocate local foods for quality, freshness, and safety. Promote value-added farming, Community Supported Agriculture (CSA), niche farming, and agri-tourism opportunities with landowners and farmers. Use existing resources such as the Agricultural Marketing Resource Center ([www.agmrc.org](http://www.agmrc.org)) and the Small Scale Food Entrepreneurship program ([www.nysaes.cornell.edu](http://www.nysaes.cornell.edu)) to help. Concentrate efforts on promoting crops that are feasible for Berne.

**6. Develop an Ag Tourism Program.**

- a. Promote ag tourism through use of brochures, farm to farm market maps, and farm tours. Farm tours are especially important.
- b. Invite county elected and appointed officials so that they are aware of agricultural needs and opportunities in Berne.
- c. Develop a Farm By-Way that establishes a scenic driving route that takes visitors past farms and farmlands. Such a tour should include Thacher Park, Thompsons Lake, Game Farm Road Property and Partridge Run as unique venues.
- d. Take advantage of Berne's scenery and character to promote day trips, eco-tourism, and leaf-peeping tours to residents of the Capital District.

- e. Use Partridge Run as another draw to bring tourists to the area. This tourist base can be tied into agriculture and agri-tourism long-term.
- f. Encourage development of bed and breakfast businesses in Berne.

**7. Provide Incentives.** Provide incentives to help encourage entry of new entrepreneurial farmers into agricultural businesses. Use a Lease of Development Rights program where property taxes are decreased in return for a temporary conservation easement that would limit development for a set amount of time.

*C. Market available farmland in the Town of Berne to new farmers and farm entrepreneurs.*

**1. Establish a town-wide or regional “Come Farm With Us” program.** Model this on successful programs (such as that found in Jefferson or St. Lawrence County.) This program would be designed to highlight the opportunities for agriculture in Berne and available land or farms.

*D. Attract and establish small businesses and local processing facilities that will support and sustain a diversity of farm operations.*

**1. Work with surrounding towns to develop a regional United States Department of Agriculture (USDA) small scale slaughterhouse to support area farms.**

**2. Explore Initiating a Community Kitchen.** Help local value-added food producers explore for-rent community kitchens. A good model is the Hudson Valley Food Works (<http://hudsonvalleyfoodworks.org>) located in New York City.

*E. Develop strong partnerships between farmers, non-farmers, local businesses, elected officials, and the general public to educate people and promote agriculture, improve communication, and increase participation in local farms and food systems. Make people aware of existing institutional resources related to agriculture.*

**1. Work with Albany County to Implement the County Ag Plan.** Coordinate for successful implementation with legislators and staff and the Agricultural and Farmland Protection Board) the critical need to implement the County Agriculture and Farmland Protection Plan. Work to elevate the importance of that Plan with Albany County officials.

**2. Advocate Implementation of Recommendations to New York State.**

Aggressively advocate to New York State (Department of Agriculture and Markets, legislators, Governor) the critical need to implement the state-level actions:

- a. Provide additional incentives to landowners who rent their land for farmland to maintain the rented land farm base.
- b. Create additional funding streams to assist towns and counties to implement the Ag and Farmland Protection Plans the State has already sponsored.

- c. Lower the gross sales limits a farmer needs in order to be eligible to receive ag assessments (currently is \$10,000 or more if 7 acres are farmed or \$50,000 if less than 7 acres are farmed in support of promotion of small farms).
- d. Increase the Farm to School initiatives.
- e. Expand local options for raising funds for Purchase of Development Rights (PDR) and Lease of Development Rights (LDR) programs including allowing for use of real estate transfer taxes. A real estate transfer tax is a state-authorized and locally approved 2% tax that is imposed when real estate that is valued above the median price of a parcel or home in the area is sold. These monies are collected locally and dedicated to farm and open space protection. In order to impose such a tax, the New York State Legislature must approve it and then a local referendum must be positively voted in by the residents of the town.
- f. Provide funding for methods to reduce farm production costs such as on-farm methane digesters and use of solar or small wind facilities used in farm operations to reduce energy costs for farms.
- g. Provide additional information and training of local officials about the NYS Ag District Program, its purposes, and its requirements as well as providing more training for local officials using up-to-date technology.
- h. Provide a mechanism, possibly through Cornell Cooperative Extension, to provide specific business plan development and marketing support for direct sale, niche farming, and value added operations.
- i. Change state level policies that require creation of new jobs as part of the ranking criteria for economic development project proposals.
- j. Initiate state level programs to plan for local “foodsheds” to ensure that New York can “feed itself” in the future and promote re-localization of agricultural economies. A foodshed is a defined area from which food is grown, processed, purchased, and consumed. We currently have a global foodshed, with products coming from a variety of places around the world. The local food movement aims to bring the foodshed closer to home.

**3. Support Farm Infrastructure.** Support programs, organizations, and agencies that assist farmers and farmland owners. Coordinate for successful implementation with organizations such as but not limited to Cornell Cooperative Extension, Soil and Water Conservation District, and Natural Resource Conservation Service and others. Coordinate implementation efforts with these organizations.

**4. Elevate the role of agriculture in all town functions.** Use every opportunity to convey the importance of agriculture to the town by implementing this plan and using town websites, newsletters, press releases, and other publicity measures to keep agriculture on people’s minds. Berne needs to communicate, organize, and advocate for farming, farmers, and farmland.

*F. Develop programs to preserve critical farmlands.*

**1. Establish Agriculture Committee.** It should be a priority of the Town to establish an agricultural advisory committee. This committee should be the forum to brainstorm alternatives, ideas, and programs and work to implement the recommendations in this plan. The Town board should appoint members to represent farmers, open space advocates, agri-business, and Berne government. This advisory committee should be an appointed, standing committee (similar to the Conservation Advisory Board) of the Town that is responsible for representing the farm community, encouraging and promoting agricultural-based economic opportunities, and preserving, revitalizing, and sustaining the Town's agricultural businesses and land. Over time and with coordination with other hill town communities, it may be feasible for a shared staff member to help with these activities.

**2. Seek funding for implementing these actions.** Funding sources, especially public-private opportunities to be explored include, but are not limited to:

- USDA: Has a variety of loans and grant programs including the Value-Added Producer Grant and the Rural Business Enterprise Program.
- NYS Department of Agriculture and Markets: Has a variety of loans and grant programs including the Agr-Tourism Project, Specialty Crop Block Grant, Farmers Market Grants, SARE (Sustainable Agriculture and Research Education) Farmers/Grower Grant Program, Grow NY including Ag Research and Development Grants, Farmland Viability Grants, Enterprise Program, and Non-point Source Abatement and Control Grants.
- NYS DEC: Offers the Environmental Farm Assistance and Resource Management Program.
- NYS Office of Small Cities: Offers Community Development Block Grants.
- Warren - Albany County IDA – Microenterprise Assistance Program.
- NYSERDA: Offers Innovation in Ag Grants.

**3. Use Model Leases.** Promote use of and assist in the development of model leases for non-consumptive uses of farmland (examples are recreational leases and hunting leases) to promote maintenance of open lands and to offer farmland owners additional income sources.

**4. Educate on Tax Programs.** Ensure that the Town Assessor, farmers and farmland owners have up-to-date information on all tax relief programs available and make this available to farmers.

**5. Develop a local purchase of development rights (conservation easement) program. (See Goal 2.)**

## Infrastructure

### **Goal 4. Provide for community infrastructure and transportation facilities and services, and the systems to support them.**

Community infrastructure and transportation facilities include the basic facilities, services, and installations needed for the functioning of a community such as roads, sidewalks, trails, communications systems (telephone, cellular, internet), water, sewer, and power lines, and public institutions such as Town Hall, library, and local government.

#### Objectives and Recommendations

*A. Identify and provide for future Town facility needs.*

**1. Develop Shared Services.** Develop a shared service study with the County and other surrounding communities to explore methods for increasing efficiency and decreasing costs by providing shared services. Especially consider shared services for establishing coordinated highway improvement plan and road maintenance with these municipalities.

**2. Use Alternate Energy Sources.** Explore use of alternative energy sources to power town buildings and reduce costs.

**3. Expand Recycling Efforts.** Continue operations of the solid waste transfer station and expand and market recyclables more efficiently.

#### **4. The Town Should Establish a Formal Capital Improvement Plan (CIP) process.**

A CIP is a multi-year schedule that lays out a series of Town projects which includes plans for construction of new facilities, replacement, upgrade, and maintenance of facilities and large equipment and their associated costs. Over the five year period considered by the CIP, the plan shows how the Town will maintain, expand or renovate facilities and services as needed to meet the demands of existing or new population. These documents are excellent planning and budgeting tools and are usually "rolling plans" where the plan is updated each year, dropping off the previous year and adding one more year at the end of the cycle.

A Capital improvement program is composed of two parts, a capital budget and a capital program. The capital budget is the upcoming year's spending plan for capital items (tangible asset or projects that cost at least \$10,000 and have a useful life of at least five years). The capital program is a plan for capital expenditures that extends five years beyond the capital budget.

A capital budget is updated annually as part of the Town's regular budget process. It shows what projects are already in progress, what projects will need funds in the current budget year, and what projects will be started in the current budget year. Coordinating the capital budget with the annual operating budget should give Berne more insight into long range planning. The information helps decision-makers improve coordination of services for greater efficiency and access short run financing requirements in the context of long run fiscal needs and constraints. It coordinates community planning, financial capacity and physical development.

**5. See also ground and surface water recommendations from Goal 2.**

*B. Build and maintain all Town roads for safety, in a manner consistent with the rural character of Berne, and as cost-effectively as possible.*

**1. Amend the Subdivision Regulations so New Roads Reflect Rural Road**

**Standards.** The Town recognizes the need to establish and maintain accessibility for emergency service vehicles. Road and driveway policies can affect the type and location of development within Berne. Similar to conclusions included in the 1992 Comprehensive Land Use Plan, the Town of Berne desires to establish road standards which provides for safety but minimizes new road development. All new roads should reduce impervious surfaces, minimize paved widths, and be designed as rural, low-volume roads.

The Town should establish rural road standards. Roads with average daily traffic levels of 50 to 400 vehicles per day are recommended to have a 16 to 18 foot width, depending on travel speed. Model standards that the Town can emulate include, but are not limited to those established by the Cornell Local Roads Program, Dutchess County Greenway Guide, the State of New Hampshire, and those from "Residential Streets", 3<sup>rd</sup> Edition.<sup>2</sup> Other standards should be:

Type of Street	Pavement	Cleared Width	R.O.W. Width	Material
Driveway (up to 3 units)	16'	18'	18'	Gravel or pavement
Class A – Private Road (3 to 9 units)	20'	24'	30'	Gravel or pavement
Class B – Private Road (10 or more units)	24'	28'	50'	Asphalt or pavement

**2. Do Not Accept Dedication of Private Roads.** The Town should continue the existing policy of not accepting the dedication of any new private roads. However, shared driveways serving up to 3 homes built and administered as per NYS law should be allowed as a means to reduce road surfaces and minimize environmental impacts.

**3. Inventory Roads and Rights-of-Ways.** The Town should review its current inventory of roads and rights-of-ways. This should be done in order to identify road rights-of-way which are undeveloped or no longer maintained. Once such rights-of-way are identified, the Town should assess the desirability of continuing ownership of them. An unwanted right-of-way should be formally abandoned.

**4. Minimize New Curb Cuts When Development Takes Place.** In order to minimize potential conflicts between entering traffic and moving traffic on State highways in Berne, the town should adopt zoning provisions that minimize new driveway cuts where feasible. Use of innovative street and access designs should be encouraged such as shared access points, shared driveways, use of marginal access streets (a street which is parallel to and adjacent to a major street and which provides access to abutting properties and protection from through traffic), reverse frontage streets with screening (a lot fronting on two (2) parallel streets but with access to only one (1) street), deep lots with rear service alleys, or such other treatment

---

<sup>2</sup> Kulash, Walter. 2002. Residential Streets, 3<sup>rd</sup> Ed. The Urban Land Institute, National Association of Home Builders, American Society of Civil Engineers, and Institute of Transportation Engineers. Washington, D.C. 76 pages.

*C. Increase pedestrian opportunities in Town.*

**1. Develop Trails.** Increase trail, pathway, and pedestrian opportunities including those recommended in the East Berne Hamlet Study. (See Appendix F)

**2. Evaluate Desirability of New Sidewalks in Hamlet of Berne.** Involve the public in evaluating the desirability of building sidewalks in the hamlet of Berne. Seek funding for these activities. If significant road work is proposed or when sewer lines are placed in road beds, consider including sidewalks as part of the reconstruction.

*D. Expand telecommunication opportunities in Berne.*

**1. Provide for Broadband, High-Speed Internet Service Throughout the Town.**

Work with area legislature, County, State and Federal governments, and economic development/tourism developers to explore laws and methods of providing for high speed internet throughout Town. All forms of broadband services should be explored.

*E. Seek new opportunities for public transportation.*

**1. Expand Public Transportation.** Work with Albany County and the CDTA to evaluate opportunities and expand transportation services between the Capital District and Berne.

*F. Update and implement emergency plans.*

**1. Develop and establish a comprehensive community emergency response plan for residents, farms, organizations and businesses for both short and long-term emergencies and disasters.** Coordinate with other government entities to implement as needed.

**2. The Town Board should establish an organizational structure defining staffing and systems for implementation and execution of the emergency response plan.**

**3. Inform Berne residents of the value of personal and community preparedness via training and information once the plan has been developed and approved.**

*G. Enhance accessibility and communication between citizens and local government officials.*

**1. Use Website and Newsletters to Communicate with Residents.**

- a. Improve and expand communications and encourage community participation in town government, establish a regular monthly email update process, continue the mailed Town/Community newsletter and expand the Town and community bulletin board both on the web site and in a prominent location to advertise events and activities.
- b. Promote open government, expand and improve the Town web site to include information about town activities and all town information now available to the public at Town Hall or the County level like the annual Town budget, monthly



Town financial reports, monthly building department reports, property tax assessment information, voter registration information, etc. In addition, all Town applications and forms should be made available and downloadable from the Town web site.

- c. Explore opportunities to coordinate Town and Berne/Knox/Westerlo School District websites to link events and items of interest.

**2. Hold an Annual Town Meeting.** To improve dialogue between local government officials and citizens, establish an annual or semi-annual town-meeting day to talk about longer term issues and existing concerns.

## Housing

### Goal 5. Provide for affordable housing opportunities.

#### Objectives and Recommendations

*A. Ensure that local land use regulations and programs allow for housing, a variety and mix of housing unit types including accessory apartments, and development patterns that result in flexibility and more affordable housing opportunities.*

#### **1. Amend Zoning and Subdivision Laws to Address Housing Needs.**

- a. Amend zoning to incorporate the changes recommended in this plan.
- b. Adopt conservation subdivision regulations that allow flexibility of lot sizes and minimization of new road construction which may work to decrease the price of land parcels.
- c. Require that large subdivisions offer a percentage of their housing units dedicated as affordable units or senior units (called inclusionary zoning).
- d. Allow for and control with design standards, multi-family and accessory apartments in zoning: Define and allow by special use permit accessory and/or in-law apartments to provide alternative housing opportunities for the citizens of the community. Berne could also establish a multi-family dwelling overlay zone dedicated for such units. Alternatively, Berne could allow more multi-family development but limit the number of dwellings per structure and implement strict design guidelines so that new multi-family developments fit in the scale and character of Town.
- e. Allow for duplexes and small (three to six unit) apartment buildings and discourage large (greater than six) units.
- f. Allow for mixed use buildings (residential and commercial): Increase the supply of housing diversity by supporting mixed use development in appropriate areas of the Town. Such developments may include residential development above retail and/or office spaces.
- g. Develop land use policies and regulations that offer incentives to land developers for provision of affordable or senior housing units. Offer density bonuses as an incentive to developers who provide affordable housing.

**2. Initiate Housing Rehabilitation Programs.** Work with county and private agencies to develop programs that promote the rehabilitation and maintenance of existing residential structures. Market these programs and work to educate the Town's citizens about affordable housing and available assistance programs for housing rehabilitation.

*B. Establish mechanisms for finding funding to support affordable housing opportunities.*

**1. Seek Grant Funds.** Set up a steering committee to coordinate grant writing. Continue to aggressively seek funding from Federal and State sources to rehabilitate sub-standard housing, and facilitate affordable homeownership. Seek housing rehabilitation grants through the Community Development Block Grant (CDBG) and HOME Grants program.

**2. Seek Other Funding Methods.** Develop a funding mechanism by which money can be set aside for affordable housing. This can be done in a variety of ways including obtaining grant funding from available sources or establishing fees. An incentive program could also be established where a fee is waived if moderately priced housing units are included in a building project. Moderately priced housing units are defined as dwellings that families earning 60 to 120 percent of the area median income (AMI) can purchase.

C. *Work with other organizations and agencies to develop home ownership and rental opportunities for all income groups.*

**1. Collaborate on Affordable Housing Programs.** Aggressively work with Albany County organizations and county government to increase affordable housing programs in the hilltowns. These include working with the County Department for Aging, the NY Connects program, the Albany County Rural Housing Alliance Program, etc.

**2. Establish a Housing Maintenance Program.** Encourage the establishment of a volunteer home improvement corps to assist elderly and/or needy homeowners in routine upkeep and maintenance of their homes and properties. Collaborate with non-profit agencies to promote and support existing homeowner programs. These programs help residents with upkeep and maintain housing costs that are affordable.

## Cultural, Historical and Recreational Resources

### Goal 6. Protect Berne's historical resources, and provide for cultural and recreational opportunities for all ages.

#### Objectives and Recommendations

##### *A. Increase recreational opportunities.*

**1. Develop a Recreation Plan.** Develop a long-term recreation plan for Berne including but not limited to identifying, creating, and promoting more trails and links for hiking, biking, equestrian, and other pedestrian activities. Partridge Run and Thompson's Lake are underutilized and should play a more prominent role as a recreational opportunity. This plan should address and include strategies to:

- a. Secure a permanent swimming area to provide swimming opportunities to all town residents.
- b. Access to Thompsons Lake via the Town Right-of-Way should continue to be limited to boats and canoes which can be carried and launched by hand.
- c. Develop parking for boat trailers at Thompsons Lake and install a dock at the DEC boat launch area to facilitate boating access.
- d. Involve residents in these efforts by establishing a recreation committee.
- e. Develop a community center.
- f. Develop a system of interconnected trails. Explore development of trails linking hamlets together.
- g. Offer incentives to landowners who provide access or recreational opportunities for the public.
- h. Find locations that offer more access to state lands and waters.
- i. Help promote recreational leasing of private lands.
- j. Develop more senior citizen activities.
- k. Develop more opportunities for fishing and lake access, hiking, biking, equestrian, walking, and running paths.
- l. Collaborate recreational planning with adjacent towns, the County and State, and foster more partnerships.
- m. Map and advertise scenic road/locations.
- n. Map and advertise hiking trails.
- o. Identify roads in town suitable for bike routes and work with town, county and local highway departments to develop these routes via a shared road program.

- p. Implement East Berne Linkage Study Action Items.
- q. Promote activities for teens.

*B. Develop programs to protect historic resources.*

**1. Review and Amend Zoning to Ensure Protection of Historic**

**Resources.** Ensure that local land use regulations are supportive of historic protection during future development. Minimize impacts of new development on historic structures and on the historic character of the Town, especially in the hamlets.

- a. Expand and more effectively administer the existing Historic district in the hamlet of Berne.

**2. Offer Incentives to keep housing historically accurate.** Provide local incentives to private landowners that preserve and rehabilitate historic structures or locations.

**3. Inventory Historic Resources and Support Listing of Properties on the Historic Register.** Update the town inventory of historic resources and identify structures eligible for listing on the state and federal historic register. Support landowners who wish to list their property in this manner.

**4. Inventory, preserve and protect cemeteries and private burial grounds.**

**5. Review impact of development on historic sites during permitting process.**

**6. Expand use of historic markers in town.**

*C. Develop recreation, arts, and cultural programs that build Berne's sense of place and community spirit through the arts and other cultural activities and events.*

**1. Develop more Community Events.** Schedule more events like heritage days to draw residents and visitors. Use the survey included in this plan to identify other desirable community activities. Promote genealogy as a cultural tourism opportunity.

**2. Use marketing and signage to promote the arts and culture to residents and visitors.**

**3. Promote artistic and cultural organizations and institutions as part of any tourism, marketing and business development programs.**

**4. Support development of a regional alliance with other organizations to market and promote Berne's arts and cultural offerings.**

**5. Support grant writing and actively seek funds for arts and cultural programs.**

**6. Assist in the development of partnerships between local artists, cultural and scientific organizations, and local students to increase exposure of students to arts and cultural activities.**

*D. Establish mechanisms for finding funding to support historic, cultural and recreational programs.*

**1. Increase Fees for New Development.** Currently, new subdivisions are required to either pay a recreation fee or provide recreational lands within the subdivision. Usually fees are imposed. However, the current fees are inadequate by themselves to provide for permanent recreation needs caused by housing growth. Consider increasing current fees charged to new subdivisions in lieu of dedicated recreation lands within subdivisions. Research other municipal per lot recreation fees and establish a higher rate suitable for Berne and to help meet the recreational goals of the Town.

**2. Establish New Programs that Support Historic Preservation.** Create a revolving historic building restoration loan fund, building façade improvement grants, and tax incentives to assist owners in improving historic properties. Establish a grant committee in coordination with surrounding towns to research and seek grants that support these historic, cultural and recreational programs.

*E. Amend local land use regulations to ensure that recreational and cultural needs are included during project development.*

**1. Develop design standards and strengthen guidelines to better protect the existing character of neighborhoods, significant historic structures and important Town features.** Zoning requirements should result in new commercial structures and major subdivisions that protect the existing character of the Town's neighborhoods. Encourage developments to be compatible with surrounding uses in scale, density and character, while not stifling innovative design and architecture.

**2. Enhance Site Plan, Special Use, and Subdivision Project Application Materials and Review to place more emphasis on recreational and cultural needs.** Amend subdivision and zoning regulations to specifically require information regarding the presence of historic and cultural resources with the submission of applications for subdivisions, special permits, and site plan reviews. The Planning Board should determine how these historic and cultural resources may be impacted by proposed structures and activities and how these resources could be preserved and protected. Ensure that the impact on historic character, landscapes, and structures is evaluated for all projects that are subject to the New York State Environmental Quality Review Act (SEQRA).

**3. Major Subdivisions should Include Trails and Trail Links.** Amend land use regulations so that new, major subdivisions or commercial developments incorporate trails, and links to existing trails. Use the existing subdivision process to require creation of new open spaces and parkland when major subdivisions or commercial development takes place.

**4. Strengthen treatment of historical character in the Site Plan review section of Zoning.** Site plan standards should address exterior building design for commercial uses to ensure they are consistent with the traditional and historical character of the area.

**5. Amend zoning dimension requirements for hamlets so that lot sizes and setbacks match the historic development patterns in that hamlet.**

**6. Seek Advice on Historic Properties from the State Historic**

**Preservation Office.** Ensure that the Historic Preservation Field Services Bureau of the State Historic Preservation Office is involved in project review for publicly funded projects that come before the Planning Board, Zoning Board of Appeals or Town Board as currently allowed for in State law.

**7. Understand and use all State and federal laws that can help Berne protect historic resources.**

**8. Zoning should specifically allow conversion of buildings to new uses as a specially permitted use, rather than promote demolition of existing buildings.**

## Economic Development and Job Growth

**Goal 7. Encourage job growth through establishment of new small and agri-businesses that are consistent with the community character, environmental and other goals as established in this Plan.**

### Objectives and Recommendations

*A. Provide leadership and establish a local economic development program for Berne.*

**1. Implement an Economic Development Program.** This program should include the following components:

- a. Development should protect but take advantage of Berne's natural assets (focus economic development on the unique strengths of Berne and the region).
- b. Leverage the distinct assets here and promote entrepreneurs and locally grown companies.
- c. Create opportunities for capital investments.
- d. Create regional food systems.
- e. Build a sense of community.
- f. Promote innovation and entrepreneurs.
- g. Create strategic partners and regional collaboration to benefit hilltown communities in such areas as tourism, recreation and the arts, ag-markets, telecommunications and others.

**2. Increase Berne's Influence on Economic Development in the Region and County.** Appoint a Town Board member or volunteer liaison to stay abreast of county and regional economic development programs and communicate Berne's position on key issues to existing economic and tourism agencies in Albany County.

**3. Encourage additional economic development for new employment opportunities in appropriate areas of the Town.** As part of this, promote a "creative economy" composed of companies and entrepreneurs whose products or services rely on a distinctive appearance, form, content, or sound.

**4. Seek Funding for Economic Development Programs.**

- a. Develop a list of loan and grant programs that are available and apply for grant assistance through federal, state, county, local and philanthropic organizations to make financial assistance available to existing and new businesses and agri-businesses.
- b. Develop a Micro-Enterprise Loan program designed and directed to new and existing small businesses. The funding can be also be used to provide relocation and start-up expenses, and to assist existing businesses with the purchase of equipment or inventory, capital improvements and business expansion.



*B. Establish policies and programs that encourage the development of small-scale retail and service businesses that diversify the Town tax base and provide more job opportunities but in a manner that minimizes negative impacts and directs those to in or near hamlets.*

**1. Adopt land use regulations that promote commercial development as detailed in this plan.**

**2. Amend zoning to reflect recommendations of the East Berne Hamlet Study (See Appendix F).**

**3. Establish siting and design standards to ensure that new businesses are in keeping with our rural character.**

**4. The Town Board should appoint a committee to define and locate one or more general commercial districts if deemed appropriate.**

Appropriate areas would include lands with good access to the state highway, lands near the Berne or East Berne hamlet, and areas where impacts to the environment, residential land uses, and farming activities can be minimized.

**5. Promote home-based businesses and use of former agricultural structures for new low-intensity non-residential uses.**

- a. Amend regulations for home occupations to define minor home occupations (requiring no special permits) and major home occupations (requiring site plan review and special permits).
- b. Allow for conversion of barns and former agricultural structures for non-agricultural use to small scale offices, home occupations, or other commercial uses with site plan and special use permits provided that the essentially agricultural and residential character of the parcel is not changed.
- c. Use the Berne Traditional Neighborhood/Mixed Use (TN/MU) standards as a model for all districts.

**6. Ensure that zoning is farm-friendly and allows development of agricultural related businesses that does not place barriers to development of secondary farm-related businesses.**

**7. Amend Zoning Use Table.** Zoning should permit, with site plan review and/or special use permits desired businesses in town including but not limited; a farm produce center, tourism activities, bed and breakfast inn, antique market, bakery, book store, garden center, farm butcher, medical offices, and flea market/farmers market.

*C Develop a strategy to market Berne more effectively, including promoting the Town as a tourist destination.*

- 1. Establish a local economic development implementation committee.**
- 2. Allow for and promote bed and breakfasts, agri-tourism, and niche, u-pick, direct to market, specialty, and value-added farm operations.**
- 3. Work with area businesses and farms to develop a distinct marketing logo for Berne (or the hill towns).**
- 4. Work with area businesses to start a chamber of commerce.**

# Implementation

## Implementation

**Annually, the Town Board will meet to discuss and establish the primary goals to be accomplished within the year.**

This section outlines an action plan to implement the Comprehensive Plan's recommendations over the next 10 to 15 years. The Town Board is ultimately responsible for implementing this Comprehensive Plan. In order to do that, the Board will need assistance from other boards, agencies, institutions and organizations. This Plan offers a variety of tools the Town can use to help accomplish its goals. In order to properly implement these actions, this Plan also outlines the tools the Town Board needs to follow through: who will they rely on to help implement the strategy, what the strategy is, when it should take place, and resources needed.

Some of the strategies recommended in this plan rely on other steps to be initiated before they can be successfully implemented. These "enabling" strategies include those related to finding or funding sources, creation of committees and lining up the organizational structure to support plan implementation. As a first step, the Town Board should implement the following "enabling" strategies:

1. Appoint committees in addition to existing committees to assist the Town Board in organizing and implementing the Plan. These include:
  - Plan Implementation Committee
  - Agriculture Advisory Committee
  - Bike, Pedestrian, Trails Committee
  - Recreation Committee
  - Community Advisory Committee
2. Seek the assistance of a professional grant writer to search for and prepare grant applications for programs as outlined in the Plan. Program areas where funding through grants would enable implementation include:
  - Updating Town land use regulations to be consistent with this Plan.
  - Establishment of farmland protection programs including use of easements.
  - Economic development programs including marketing and promotion.
  - Farm programs designed to promote farm activities.
  - Gateway landscaping and signage.
  - Historic, arts and cultural programs.
  - Promotion of affordable housing opportunities.
3. Establish an annual "implementation work plan that identifies tasks expected to be implemented that year
4. Provide all board members (Town, Planning, Zoning Board of Appeals, and CAB) with copies of this Comprehensive Plan.
5. Maintain paper and electronic (when available) copies of all reference documents in this Plan for the public and for use by the ZBA and Planning Board.
6. Adopt a resolution of the Board requiring review of the Comprehensive Plan every five years; and conduct a town-wide survey and update the Plan every 10-years to ensure that the Plan reflects citizen needs and current conditions.

7. Establish an annual implementation work plan that reviews and identifies tasks expected to be implemented that year.
8. Maintain and utilize the maps created through the GIS for this Comprehensive Plan at Planning Board and Zoning Board of Appeals meetings.
9. Require an annual meeting between the Town Board, Planning Board, Zoning Board of Appeals and CAB to discuss issues, problems, and solutions related to land use in the Town.

The Plans' success will be based on setting the right priorities and allocating scarce resources – people and funding – to the most important priorities. Priorities, as shown on the implementation tables suggest a time frame for each action as follows:

Time Frame and Priority

- 1 Highest Priority - Implement first, preferably within first two years of plan adoption.
- 2 Medium Priority - Implement after the highest priorities are underway, preferably within 3 to 5 years after adoption.
- 3 Low Priority - Implement after the medium priorities are underway, preferably within 5 years.
- O Ongoing action needed

Key to Types of Action

Each strategy suggested in this Plan represents a specific type of action that the Town can take. These types of actions are:

Capital Improvement: Any action that results in an investment and improvement in property, structures, equipment, staff or other similar items.

Administrative: Any action that results in enhanced administration of town functions.

Policy and Program: Any action that results in establishment of a plan, activity, committee, proposal, or similar items.

Regulatory: Any action that results in the development of new or amendment of existing land use related laws in the Town. This typically refers to zoning, site plan review, or subdivision laws.

Appointment: Any action that requires the Town Board to form a new committee, outline specific tasks of that committee, and recruit members.

Assistance to the Town Board

The Town Board (TB) oversees all aspects of implementation of the Plan and directs all work to be done in the future. At the Town Board's request, the following boards, organizations, or individuals can assist the Town Board in implementation:

Planning Board

Professional Advisory including Attorney, Engineer, Planner or other

Town Highway Department

County

New York State

New committee recommended in this plan (Agriculture Advisory Committee; Bike, Pedestrian, Trails Committee; Recreation Committee; or Community Advisory Committee)

Other organizations and agencies from the region.

<b>Goal 1: Preserve and Enhance Berne's Community Character and its Small Town Rural Quality</b>					
	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
<b>Priority One</b>					
	Incorporate the Conservation Subdivision Technique into Land Use Regulations.	B	Regulatory	Planning Board, CAB, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Establish a Stream Corridor in Zoning.	B	Regulatory	Planning Board, CAB, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Establish a Mechanism in the Subdivision Law to Site Building Envelopes.	B	Regulatory	Planning Board, CAB, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Implement Zoning And Design Recommendations From The East Berne Hamlet Strategic Plan And Design Standards.	C	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Expand Certain MDR Zoning District Locations.	C	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review, Update GIS maps
	Establish Rural Siting Guidelines for Residences.	B	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Allow For Smaller Lot Sizes When Hamlets Have Public Infrastructure.	C	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review

<b>Goal 1: Preserve and Enhance Berne's Community Character and its Small Town Rural Quality</b>					
	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
	Convert Some MDR Areas From Strips Into Nodes.	C	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Prevent Uniform Lot Sizes And "Spaghetti Lots" In Large Subdivisions.	C	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Amend Zoning To Establish Commercial Building Size Limits And Design Standards.	D	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Amend And Coordinate Site Plan And Special Use Permit Standards Related To Noise.	F	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Amend Zoning To Control Excessive Lighting And Glare.	F	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Implement Small And Large Wind Policies.	G	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Edit Zoning to Allow for Site Plan Review of Land Disturbances at the Earliest Stage of Development.	G	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
<b>Priority Two</b>					
	Establish a Community Activities Committee.	A	Appointment	Town Board	Resolution of Board
	Provide Support to Organizations and Committees.	A	Program and Funding	Activities Committee	Committee Structure, Grant Writing

<b>Goal 1: Preserve and Enhance Berne's Community Character and its Small Town Rural Quality</b>					
	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
	Support Volunteers.	A	Program and Communication	Activities Committee, Town Web Site	Creativity and Leadership, Minor Funding
	Provide for Incentive Zoning.	B	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Buffer Residential and Commercial Uses.	D	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Create A Town Beautification Program.	E	Appointment, Program	Town Board	Resolution of Board
	Enhance Community Gateways with Landscaping and Signage.	E	Program and Funding	Beautification Committee	Creativity and Leadership, Minor Funding
	Establish a local Type I list for SEQRA.	G	Policy Development	Town Board with CAB	Review Plan Maps, Resolution of Town Board
<b>Priority Three</b>					
	Reduce Noise Related To Recreational Vehicles.	F	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
<b>Ongoing</b>	Ensure New York State Stormwater Requirements are met.	G	Project Review	Planning Board and Code Enforcement Officer	Copies of DEC Regulations and Standards to CEO, Planning Board
	Enforce Existing Junk Related Regulations.	D	Enforcement	Code Enforcement Officer,	Adequate hours, budget, training for Officer

**Goal 1: Preserve and Enhance Berne's Community Character and its Small Town Rural Quality**

	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
				Attorney	
	Enforce Existing Zoning Standards.	D	Enforcement	Code Enforcement Officer	Adequate hours, budget, training for Officer
	Establish Programs to Protect the Helderberg Escarpment	G	Policy Development	CAC, Town Board	Creativity and Leadership, Minor Funding

**Goal 2. Conserve, Maintain and Protect the Town's Open Spaces and Natural Resources**

	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
<b>Priority One</b>					
	Use conservation subdivision development.	A	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney, or planner review, funding
	Minimize Impervious Surfaces.	A	Regulatory	Planning Board and ZBA	Draft or Model Law, Funding for Attorney, or planner review, funding
	Amend Zoning to Allow for Use of Average Lot Sizes in the RAF District.	A	Regulatory	Planning Board and ZBA	Draft or Model Law, Funding for Attorney, or planner review, funding
	Eliminate MDR District Areas that are Located in Environmentally Sensitive Locations.	A	Regulatory	Planning Board and ZBA	Draft or Model Law, Funding for Attorney or planner review



<b>Goal 2. Conserve, Maintain and Protect the Town's Open Spaces and Natural Resources</b>					
	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
	Protect Steep Slopes by reviewing development on steep slopes 20 to 25% and prohibiting it on slopes > 25%.	A	Regulatory	Planning Board and ZBA	Draft or Model Law, Funding for Attorney or planner review
	Develop land use guidelines and standards.	A	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Complete the Berne Hamlet Sewer Project.	B	Capital Improvement	Town Board, Engineer	Creativity and Leadership
	Prohibit natural gas hydro-fracturing (hydro-fracking) and take an active role in advocating for the prohibition of hydro-fracking.	A	Regulatory, Policy and Program	Town Board, CAB	Draft or Model Law, Funding for Attorney or planner review
	Identify and Protect Future Water Supplies.	C	Policy and Program	CAB, Hydro-geologist	Funding
	<b>Priority Two</b>				
	Offer Incentives for Preservation of Sensitive Locations.	A	Program and Policy, Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review, funding
	Preserve Lands through Use of Easements or Land Purchases.	A	Policy and Program	Hudson-Mohawk Land Trust, American Farmland Trust, etc	Draft or Model Law, Funding for Attorney or planner review, funding
	Fund Easement Programs.	A	Policy and Program	Hudson-Mohawk Land Trust, American Farmland Trust, etc, Grant	Funding

<b>Goal 2. Conserve, Maintain and Protect the Town's Open Spaces and Natural Resources</b>					
	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
				Writer	
	Protect Scenic Views. Develop a comprehensive scenic view inventory and protection plan.	A	Policy and Program	CAB	Volunteers, citizen involvement
	Institute Other Septic Maintenance Programs. Consider other programs and techniques to ensure that septic systems are functioning properly.	B	Policy and Program	Town Board, CAB	Information from other sources
	Establish a water quality monitoring and contamination response program.	C	Policy and Program	CAB, Hydrogeologist	Funding
	Conduct a groundwater resource study for the Town of Berne.	C	Policy and Program	CAB, Hydrogeologist	Funding
	Create Aquifer Protection Areas, if Needed.	C	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review, funding
	Establish a Lakeshore and Stream Protection Program.	C	Policy and Program	Planning Board, Attorney, Planner, CAB	Draft or Model Law, Funding for Attorney or planner review, funding
	Evaluate Need for Agricultural Setbacks from Streams and Lake Shores.	C	Regulatory	Ag Committee, SWCD, NRCS	Draft or Model Law, Funding for Attorney or planner review, funding
	Conduct a buildout analysis.	D	Policy and Program	GIS Specialist	Funding

<b>Goal 2. Conserve, Maintain and Protect the Town's Open Spaces and Natural Resources</b>					
	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
	Establish, pursuant to SEQRA, critical environmental areas to encompass known and inventoried critical habitats or other vulnerable areas in Town such as the limestone areas and the escarpment.	D	Policy and Program	CAB and Program and Regulatory	Information from existing resources
<b>Ongoing</b>					
	Enforce existing environmental and laws.	A	Regulatory	Code Enforcement Officer	Adequate hours, budget
	Promote natural resource education.	A	Policy and Program	CAB, Local Organizations	Citizen involvement
	Promote regional collaboration and planning.	A	Policy and Program	CAB	Creativity and Leadership
	Use GIS maps during project review.	A	Administrative	Planning Board, ZBA, CAB	Computer
	Monitor Environmental Resources.	A	Policy and Program	CAB	Some funding may be needed, maps, computer
	Strengthen the Importance of Wildlife Habitats During Project Review.	A	Regulatory	Planning Board and ZBA	Draft or Model Law, Funding for Attorney or Planner review
	Educate the Public.	B	Policy and Program	Town Board, CAB	Information from existing sources
	Work with Albany County.	B	Policy and Program	Town Board, CAB	Creativity and Leadership
	Obtain and Use Guidelines on Septic Management.	B	Policy and Program		Information from existing sources

<b>Goal 2. Conserve, Maintain and Protect the Town's Open Spaces and Natural Resources</b>					
	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
	Work with Rensselaerville to Plan Watershed Protections for Lake Myosotis.	D	Policy and Program, Regulatory	CAB	Draft or Model Law, Funding for Attorney or planner review
	Protect Major Watersheds.	D	Regulatory	Planning Board and ZBA	Draft or Model Law, Funding for Attorney or planner review
	Implement Strategies from the Helderberg Escarpment Planning Guide.	D	Policy and Program and Regulatory	CAB and Planning Board	Information from existing resources

<b>Goal 3. Maintain farmlands and promote agricultural activities.</b>					
	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
<b>Priority One</b>					
	Amend zoning to include a right-to-farm clause.	A	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Advocate for Agriculture at the County Level.	B	Policy and Program	Ag Committee	Creativity and leadership
	Seek Funding Opportunities for Farmers.	B	Policy and Program	Ag Committee, Grant Writer	Grant Writer
	Promote Farms and Farm Diversification in Berne.	B	Policy and Program	Ag Committee	Creativity and leadership
	Work with Albany County to Implement the County Ag Plan.	E	Policy and Program	Ag Committee	Creativity and leadership

<b>Goal 3. Maintain farmlands and promote agricultural activities.</b>					
	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
	Elevate the role of agriculture in all town functions.	E	Policy and Program	Ag Committee	Creativity and leadership
	Use Model Leases.	F	Policy and Program	Ag Committee	Successful samples
<b>Priority Two</b>					
	Amend Land Use Laws to be More Farm-Friendly . Use the LESA ranking map to identify agricultural overlay districts.	A	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Develop an Ag Tourism Program.	B	Policy and Program	Ag Committee	Creativity and leadership, some funding
	Provide Incentives.	B	Regulatory	Planning Board, Attorney, Planner	Models, information from existing resources
	Work with surrounding towns to develop regional USDA small scale slaughterhouse to support area farms.	D	Policy and Program	Ag Committee	Funding
	Explore initiating a community kitchen.	D	Policy and Program	Ag Committee	Funding
	Develop a local purchase of development rights (conservation easement) program	F	Policy and Program	Ag Committee	Successful samples, funding
<b>Priority Three</b>					
	Establish a town-wide or regional “Come Farm With Us” program.	C	Policy and Program	Ag Committee	Information from existing resources, some funding
<b>Ongoing</b>					

**Goal 3. Maintain farmlands and promote agricultural activities.**

	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
	Evaluate Impacts of Development on Farms During Project Review.	A	Regulatory	Planning Board and ZBA	Draft or Model Law, Funding for Attorney or planner review
	Promote Farming in the School.	B	Policy and Program	Ag Committee	Creativity and leadership
	Collaborate with Neighboring Towns.	B	Policy and Program	Ag Committee	Creativity and leadership
	Advocate Implementation of Recommendations to New York State.	E	Policy and Program	Ag Committee	Creativity and leadership
	Support Farm Infrastructure.	E	Policy and Program	Ag Committee	Creativity and leadership
	Establish Agricultural Committee.	F	Policy and Program	Town Board	
	Seek funding for implementing these actions.	F	Policy and Program	Grant Writer, Ag Committee	Funding
	Educate on Tax Programs.	F	Policy and Program	Ag Committee, Assessor	Information from existing resources

**Goal 4. Provide for community infrastructure and transportation facilities and services, and the systems to support them.**

	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
<b>Priority One</b>					
	The Town should establish a formal Capital Improvement Plan process and develop a Capital Improvement Plan (CIP).	A	Administrative	Highway Department	Funding
	Amend the Subdivision Regulations so New Roads Reflect Rural Road Standards.	B	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Inventory Roads and Rights-of-Ways.	B	Policy and Program	Highway Department	Funding
	Provide for Broadband, High-Speed Internet Service Throughout the Town.	D	Capital Improvement	Town Board	
	Develop and establish a comprehensive community emergency response plan for residents, farms, organizations and businesses for both short and long-term emergencies and disasters.	F	Policy and Program	Town Board, citizen committee	Funding
	Establish an organizational structure defining staffing and systems of implementation of the emergency response plan.	F	Policy and Program	Town Board, citizen committee	Funding

**Goal 4. Provide for community infrastructure and transportation facilities and services, and the systems to support them.**

	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
	Inform Berne residents of the value of personal and community preparedness via training and information once the plan has been developed and approved.	F	Policy and Program	Town Board, citizen committee	Funding
<b>Priority Two</b>					
	Expand recycling efforts.	A	Policy and Program	Town Board, Attorney, Professionals in field	Information from existing resources
	Develop trails.	C	Policy and Program	Recreation Committee	Maps, Community involvement, funding
	Evaluate Desirability of New Sidewalks in Hamlet of Berne.	C	Capital Improvement	Town Board	Community Involvement
<b>Priority Three</b>					
	Develop shared services.	A	Policy and Program	Town Board, Attorney, Professionals in field	Funding for study
	Use alternate energy sources.	A	Policy and Program	Town Board, Attorney, Professionals in field	Funding
	Expand Public Transportation.	E	Policy and Program	Town Board	



<b>Goal 4. Provide for community infrastructure and transportation facilities and services, and the systems to support them.</b>					
	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
<b>Ongoing</b>					
	Do Not Accept Dedication of Private Roads.	B	Administrative	Town Board, Attorney	Attorney
	Minimize new curb cuts when development takes place.	B	Regulatory	Planning Board	Draft or Model Law, Funding for Attorney or planner review
	Use Website and Newsletters to Communicate with Residents.	G	Policy and Program	Town Clerk, Web Site Designer and Manager	Funding
	Hold an annual Town Meeting.	G	Policy and Program	Town Board	

<b>Goal 5. Provide for affordable housing opportunities.</b>					
	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
<b>Priority One</b>					
	Amend Zoning and Subdivision Laws to Address Housing Needs.	A	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
<b>Priority Two</b>					
	Establish a Housing Maintenance Program.	C	Policy and Program	Town Board	Creativity and leadership
	Initiate Housing Rehabilitation Programs.	A	Policy and Program	Town Board	Funding

<b>Goal 5. Provide for affordable housing opportunities.</b>					
	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
<b>Ongoing</b>					
	Seek Grant Funds.	B	Policy and Program	Grant Writer	Grant Writer
	Seek Other Funding Methods	B	Policy and Program	Grant Writer	Grant Writer
	Collaborate on Affordable Housing Programs.	C	Policy and Program	Town Board	Creativity and leadership

<b>Goal 6. Protect Berne's historical resources, and provide for cultural and recreational opportunities for all ages.</b>					
	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
<b>Priority One</b>					
	Develop a Recreation Plan.	A	Policy and Program	Recreation Committee	Funding, Community involvement
	Review and Amend Zoning to Ensure Protection of Historic Resources.	B	Regulatory	Planning Board, Attorney, Planner, Historic Association, Town Historian	Draft or Model Law, Funding for Attorney or planner review
	Increase Fees for New Development.	D	Policy and Program	Town Board	Attorney
	Enhance Site Plan, Special Use, and Subdivision Project Application Materials and Review to place more emphasis on recreational and cultural needs.	E	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review

**Goal 6. Protect Berne’s historical resources, and provide for cultural and recreational opportunities for all ages.**

	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
	Major Subdivisions should Include Trails and Trail Links.	E	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Strengthen treatment of historical character in the Site Plan review section of Zoning.	E	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Amend zoning dimension requirements for hamlets so that lot sizes and setbacks match the historic development patterns in that hamlet.	E	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Develop design standards and strengthen guidelines to preserve the existing character of neighborhoods, significant historic structures and important Town features.	E	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Zoning should specifically allow conversion of buildings to new uses as a specially permitted use, rather than promote demolition of existing buildings.	E	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
<b>Priority Two</b>					
	Offer Incentives to keep housing historically accurate.	B	Policy and Program	Historic Association, Town Historian, historic architect	Successful models
	Inventory Historic Resources and Support Listing of Properties on the Historic Register.	B	Policy and Program	Historic Association, Town Historian, historic architect	Some funding
	Inventory, preserve and protect cemeteries and private burial grounds.	B	Policy and Program	Historic Association, Town Historian, historic architect	Funding, community involvement

**Goal 6. Protect Berne’s historical resources, and provide for cultural and recreational opportunities for all ages.**

	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
	Establish New Programs that Support Historic Preservation.	D	Policy and Program	Historic Association, Town Historian, Community Activities Committee	Creativity and leadership
<b>Priority Three</b>					
	Expand use of historic markers in town.	B	Policy and Program	Historic Association, Town Historian	Funding
	Promote artistic and cultural organizations and institutions as part of any tourism, marketing and business development programs.	C	Policy and Program	Historic Association, Community Activities Committee	Creativity and leadership
<b>Ongoing</b>					
	Review impact of development on historic sites during permitting process.	B	Regulatory	Planning Board	Draft or Model Law, Funding for Attorney or planner review
	Develop more Community Events.	C	Policy and Program	Community Activity Committee	Community involvement
	Use marketing and signage to promote the arts and culture to residents and visitors.	C	Policy and Program	Community Activity Committee	Funding
	Support development of a regional alliance with other organizations to market and promote Berne’s arts and cultural offerings.	C	Policy and Program	Community organizations	Creativity and leadership
	Support grant writing and actively seek funds for arts and cultural programs.	C	Policy and Program	Grant Writer	Grant Writer

**Goal 6. Protect Berne’s historical resources, and provide for cultural and recreational opportunities for all ages.**

	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
	Assist in the development of partnerships between local artists, cultural and scientific organizations, and local students to increase exposure of students to arts and cultural activities.	C	Policy and Program	Community organizations	Creativity and leadership
	Seek Advice on Historic Properties from the State Historic Preservation Office.	E	Policy and Program	Planning Board, ZBA	Draft or Model Law, Funding for Attorney or planner review
	Understand and use all State and federal laws that can help Berne protect historic resources.	E	Policy and Program	Planning Board, ZBA	Draft or Model Law, Funding for Attorney or planner review

**Goal 7. Encourage job growth through establishment of new small and agri-businesses that are consistent with the community character, environmental, and other goals as established in this Plan.**

	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
<b>Priority One</b>					
	Implement an Economic Development Program.	A	Policy and Program	Economic Development Committee, County, Business group, community organizations	Business community involvement

**Goal 7. Encourage job growth through establishment of new small and agri-businesses that are consistent with the community character, environmental, and other goals as established in this Plan.**

	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
	Encourage additional economic development for new employment opportunities in appropriate areas of the Town.	A	Policy and Program	Economic Development Committee, County, Business group, community organizations	Creativity and leadership
	Adopt land use regulations that promote commercial development as detailed in this plan.	B	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Establish siting and design standards to ensure that new businesses are in keeping with our rural character.	B	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	The Town Board should appoint a committee to define and locate one or more general commercial districts if deemed appropriate.	B	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Promote home-based businesses and use of former agricultural structures for new low-intensity non-residential uses.	B	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Ensure that zoning is farm-friendly.	B	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Amend Zoning Use Table.	B	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
	Establish a local economic development implementation committee.	C	Policy and Program	Town Board	Resolution of Board

**Goal 7. Encourage job growth through establishment of new small and agri-businesses that are consistent with the community character, environmental, and other goals as established in this Plan.**

	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
	Allow for and promote bed and breakfasts, agri-tourism, and niche, u-pick, direct to market, specialty, and value-added farm operations.	C	Policy and Program	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review
<b>Priority Two</b>					
	Work with area businesses and farms to develop a distinct marketing logo for Berne (or the hill towns).	C	Policy and Program	Economic Development Committee, County, Business group, community organizations	Creativity and leadership, funding
	Work with area businesses to start a chamber of commerce.	C	Policy and Program	Economic Development Committee, County	Business community involvement
<b>Ongoing</b>					
	Increase Berne's Influence on Economic Development in the Region and County.	A	Policy and Program	Economic Development Committee, County, Business group, community organizations	Creativity and leadership
	Seek Funding for Economic Development Programs.	A	Policy and Program	Grant Writer	Grant Writer

**Goal 7. Encourage job growth through establishment of new small and agri-businesses that are consistent with the community character, environmental, and other goals as established in this Plan.**

	<b>Item</b>	<b>Objective</b>	<b>Type of Action</b>	<b>Town Board Support</b>	<b>Other Resources Needed?</b>
	Amend zoning to reflect recommendations of the East Berne Hamlet Study (See Appendix F).	B	Regulatory	Planning Board, Attorney, Planner	Draft or Model Law, Funding for Attorney or planner review



## Maps

The following maps are included in the project and are referred to in the Comprehensive Plan:

1. Roads and Property Boundaries
2. Topography
3. Slopes
4. Water Features
5. Property Class
6. Farmland
7. Agriculture
8. Aerial Photo (2007)
9. Zoning (2007)
10. Community Resources
11. LESA
12. Scenic Views
13. Bedrock Geology
14. Surface Geology
15. Contours
16. Bedrock Contours (Map from 1992 Plan)
17. Thickness of Stratified Drift (Map from 1992 Plan)