

**TOWN OF BERNE  
APPLICANT'S GUIDE  
TO THE  
PLANNING BOARD  
AND ZONING BOARD  
OF APPEALS  
PROCESS**

*This guide will answer questions you may have about zoning and subdivision regulation in Berne and how to apply for needed approvals. We encourage you to purchase copies of the zoning ordinance and the Subdivision Regulations from the Town Clerk or Zoning Administrator to learn the specific requirements.*

**1. What kinds of actions require review and/or approval by the Planning Board and Zoning Board of Appeals ?**

*The Planning Board reviews the following types of requests:*

- Subdivision (minor and major) approval
- Site Plan approval
- Special Use Permit for Home Occupations
- Area Variance (advisory opinion sent to the ZBA)
- Use Variance (advisory opinion sent to the ZBA)
- Special Use Permit (advisory opinion sent to the ZBA)

*The Zoning Board of Appeals reviews the following types of requests:*

- Area Variance approval
- Use Variance approval
- Special Use permits other than Home Occupation

**2. What are the roles of the Planning Board (PB), Zoning Board of Appeals (ZBA), Conservation Advisory Board (CAB) and Local Code Enforcement Officer (LCEO) in the zoning and subdivision review process?**

The Local Code Enforcement Officer (LCEO), also known as the zoning administrator, is usually the first stop for application forms and general guidance. The LCEO also issues building permits and performs site inspections. The Planning Board (PB) approves subdivision requests, and permits all home occupations. It also performs site plan reviews where these are required by the Zoning Ordinance. The PB also provides input to the Zoning Board of Appeals (ZBA) on applications for area and use variances and special use permits. The Conservation Advisory Board (CAB) provides input to the PB and ZBA on environmental and natural resource aspects of proposed projects. The Secretary serves as point of contact for both the PB and ZBA.

**3. When do the PB and ZBA meet?**

The PB meets the first and third Thursdays of each month. In months with five Thursdays, the second monthly meeting is held on the fourth Thursday. The ZBA meets on an as-needed basis, as scheduled by the Secretary. All meetings begin at 7:30 pm in Town Hall.

**4. How do I start the process?**

The LCEO's office should be your first stop for permit applications and for general information. The LCEO may ask you to contact the Secretary to get on the agenda for the next PB or ZBA meeting.

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# Resident's Guide to the Berne Planning Board and Zoning Board of Appeals Process

## 5. Where can I get copies of the Zoning Ordinance and Subdivision Regulations?

Copies of the Zoning Ordinance and Subdivision Regulations can be purchased from the Town Clerk or Local Code Enforcement Officer at nominal cost.

## 6. Where do I get application forms and other information?

Subdivision applications and other forms required by the regulations may be obtained from the Town Clerk, the LCEO, or the Secretary of the Planning Board.

## 7. Are there checklists to guide me through the process?

The Planning Board has developed checklists for each type of permit or approval that may be requested. You may also refer to a copy of the Zoning Ordinance and the Subdivision Regulations for what is required. The LCEO and the Secretary of the Planning Board can explain each item, and the information an applicant must provide.

## 8. What should I bring with me to the Planning Board meeting?

Be prepared for the initial meeting, as this will reduce the time needed to get through the review process. Bring as much information as you can. It is suggested you bring a sketch plan, plat plan, property deed, a drawing, sketch or plans for any proposed structures, and be prepared to describe what you would like to do on your property. The checklists and the town Zoning Ordinance and Subdivision Regula-

tions list the required information for a complete application.

## 9. How long does the process take?

At the initial meeting, the process and time line will be discussed. The time line will depend on the nature of the project (e.g., residential or commercial), whether the application is complete, or if additional information must be submitted. A site visit and a public hearing are required, so sufficient time must be anticipated for those steps.

## 10. What fees must I pay?

There is an application fee, which is due when the application is filed. There is also an approval fee for subdivisions, which is due at the time of approval. The approval fee depends on the number of lots created, and whether it is classified as a minor subdivision (not more than 4 lots) or major subdivision (5 or more lots). A town park improvement fee (\$25/lot) is also collected at the time of project approval. The Secretary will give the applicant an estimate of applicable fees at the initial meeting.

## 11. Must I reimburse the Town for any review expense?

The Town may determine that, due to the nature and complexity of the proposed project, professional planning or engineering services will be required by the Town. In this case, the applicant will be asked to deposit funds in a Town escrow account to help defray the cost of project review. This will be discussed at the initial meeting, and the amount will be based on an estimate by the Town. Unused funds are returned to the applicant after the project review is completed.

## 12. Will there be a public hearing?

A public hearing is required for subdivisions, special use permits, variances and home occupations. Either the PB or ZBA will conduct the hearing depending on the action requested. A notice will appear in the official town newspaper, the *Altamont Enterprise*.

## 13. Will my neighbors be notified?

Abutters to your property will be notified by mail when you file an application. They also will be notified of the time and place of the public hearing. Interested parties often attend meetings and hearings to learn about projects that might impact them.

## 14. Is an environmental review needed?

Yes. No decision to carry out or approve an action shall be made by the Town of Berne or by any Town agency until there has been full compliance with Chapter 102 of the Berne Code, and Part 617 of Title 6 NYCRR; also known as the State Environmental Quality Review or SEQR process. The PB and ZBA, as Town agencies, must make a determination whether the proposed action may have a significant negative impact on the environment. This determination is made by the PB or ZBA based on the public record, including the environmental assessment form and other information submitted by the applicant.

## 15. Will there be a site visit by Town officials?

Yes. The site visit will be arranged at a mutually convenient time. The applicant or their representative is encouraged to be present, however it is not required provided approval to enter the property is granted by the owner or representative.

## 16. Do I need to be present to explain what I want to do on my property, or can someone represent me?

Applicants often hire a professional (typically a realtor, Professional Engineer, or Licensed Land Surveyor, to attend the meetings and represent them. However, we encourage the applicant to attend each meeting and to fully participate in the review process. In some cases, the owner is represented by a professional, and an authorization on the application form.

## 17. Do I need to hire professional services (e.g., an attorney or engineer)?

Applicants can and should complete as much of the forms and leg work as possible to save expense. However, professional services will be required for legal work (such as drawing up a deed description) and surveying (preparing a plat plan), or engineering (such as performing a traffic study).

## 18. What other agencies must I contact for subdivisions?

The Albany County Health Department must be contacted to schedule and witness a soil percolation test and deep test pit. Guidance on septic system and water system requirements can be requested from that agency.

## 19. What must I file with the County Clerk after my subdivision is approved?

The approved subdivision plat must be filed or recorded by the applicant in the office of the Albany County Clerk, after signature by the Chair of the Planning Board. The applicant must file both the original mylar (the plastic drawing) and a signed paper print copy.