

Hamlet of East Berne

Strategic Plan and Design Standards

October 2007



Prepared for the Town of Berne and
Capital District Transportation Committee

Prepared by Community Planning & Environmental
Associates

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Wayne Emory

Berne Planning Board

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Consultants:

Community Planning & Environmental Associates
Nan Stolzenburg, AICP
Don Meltz
Synthesis, LLP
Ian Law, LA

Introduction

This study and strategic planning process was designed to accomplish several broad goals including planning for sustainable revitalization efforts in the East Berne hamlet, encouraging small-scale economic development in the hamlet, and maintaining traditional development patterns of higher density and mixed uses in the hamlet surrounded by farms, low density residential development and open space.

The Town of Berne has been actively engaged in planning for its future for several years. Recently, a study was conducted for the hamlet of Berne and this resulted in creation of design standards and updated zoning to encourage appropriate mixed uses, historic preservation, and small-scale economic development. This current study moves the focus from the hamlet of Berne to East Berne as a continuance of the commitment of the Town towards long-term planning and implementation of its 1992 Comprehensive Plan.

This study was funded, in part through the Community and Transportation Linkage Program, a land use/transportation planning assistance program offered by the Capital District Transportation Committee (CDTC). This program, referred to as the Linkage Program, supports local land use and transportation initiatives. It is designed to fulfill the adopted principles and strategies in the New Visions regional transportation plan. As a municipality within the CDTC's planning area, the Town of Berne was eligible for this program and funding.

Specifically, the objectives outlined through the Linkage Program for this planning effort are the following:

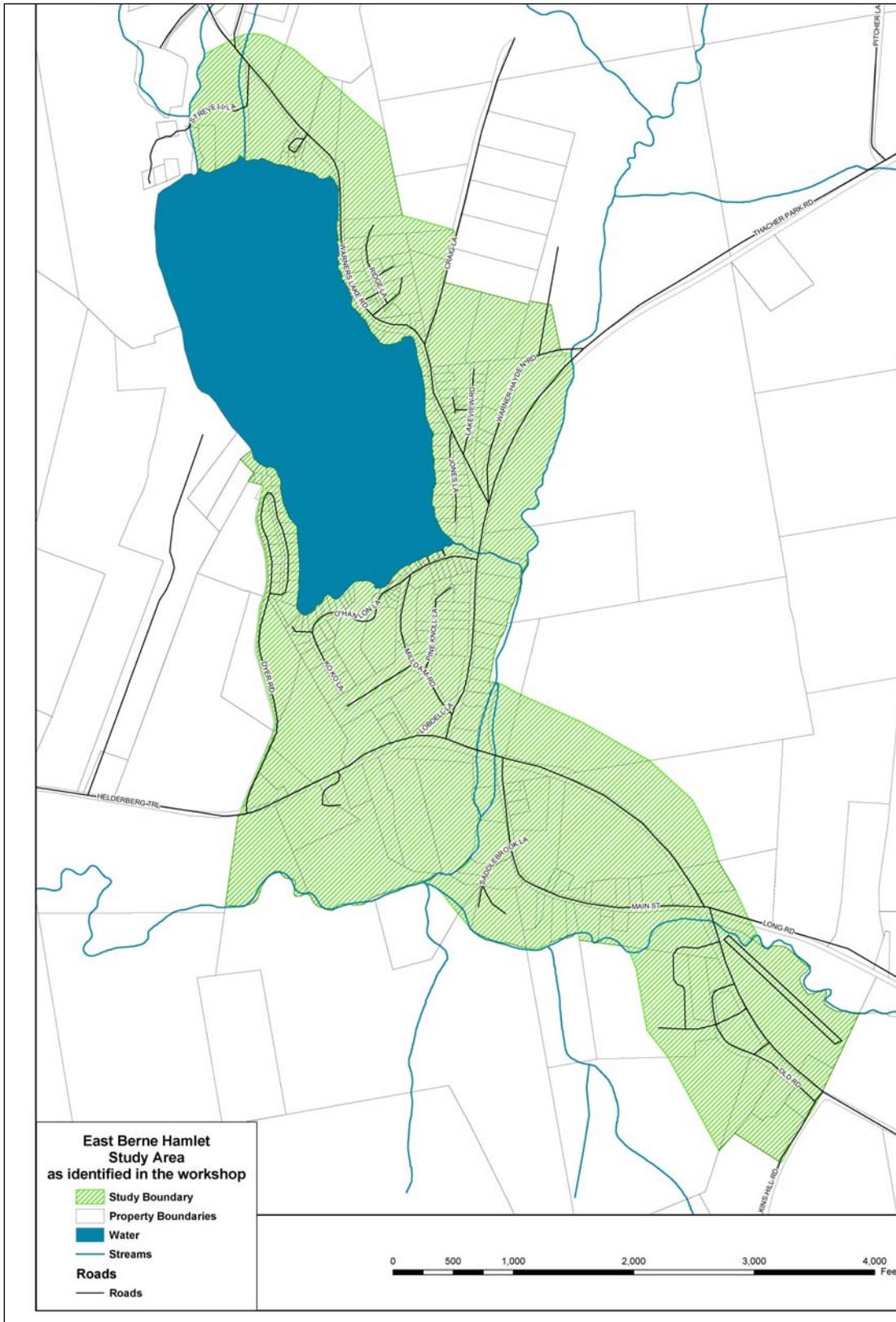
- ◆ Enhance the current business district.
- ◆ Develop context-appropriate design standards;
- ◆ Promote pedestrianism in East Berne.
- ◆ Offer recommendations to mitigate any challenges presented by the current traffic patterns in the hamlet (where Route 443 effectively creates a bypass around the hamlet).
- ◆ Encourage preservation of the community's historic buildings, the rural character, and scenic views.

The study was coordinated by the Town of Berne Planning Board with the assistance of a planning consultant and the CDTC. Initiated in the summer of 2006, the planning process included:

1. Assessment of Existing Conditions (August 2006 through January 2007). This included collection of a variety of data about East Berne including environmental conditions, traffic counts and accident rates, land uses and building trends, and demographic and economic characteristics. The build-out capacity under existing zoning was also analyzed to understand long-term growth potential in the hamlet.
2. Public Input. Two public workshops were held (Fall of 2006) to involve residents, landowners and businesses within the hamlet to identify strengths and weaknesses of the area and to encourage discussion about what the residents perceive as threats and opportunities facing the area. These workshops also included involving the public in establishment of a vision statement.
3. Development of recommendations (February through June, 2007). A set of strategies were developed to address objectives of the Linkage Program including changes in land use policies, programs, or transportation enhancements that will help the hamlet and Town reach the goals established by the community.
4. Final Public Workshop (TBA). This workshop presented the recommendations of the consultant to the public prior to submitting the report to the Town Planning Board.

This process was designed to focus on a wide range of citizen concerns, to be geared toward the values of the Town of Berne, to explore the future (what is probable as well as possible), and to help the Town establish a shared vision to move forward with.

Study Area



The East Berne Hamlet study area includes the land surrounding Warner's Lake along Warner's Lake Road to the East and North of the Lake, to the West along Dyer Road, along Route 443 from Dyer Road East to Filkins Hill Road, and including all lands along Main Street. The study area boundary was determined by the Town of Berne Planning Board with input from the consultants and CDTC.

Vision and Goals for East Berne

Visioning is a process by which a community envisions the future it wants, and plans how to achieve it. Once a community has envisioned where it wants to go, it can begin to consciously work toward that goal. A vision is the overall image of what the community wants to be and how it wants to look at some point in the future. The statement below is the formal expression of that vision for East Berne. This vision statement should be seen as the starting point for the creation and implementation of action plans and strategies.

Vision Statement

Based on public input, the following statement expresses what East Berne will be at some point in the future. Many components of this vision already exist and therefore, it is a desire by the residents to continue those characteristics into the future.

“The Hamlet of East Berne is an attractive rural hamlet with a strong sense of place and commitment to its heritage. East Berne remains a small town center surrounded by open space, agriculture and scattered residences. Its well-kept older homes mix with a modest number of new homes and locally-owned small businesses and community services. New homes and businesses are consistent with the traditional design and layout of the Hamlet. The hamlet is defined not only by what is in the hamlet but by the beautiful environment of wooded hills, farmland and other open spaces surrounding it. Along Main Street, East Berne is a traditional rural neighborhood with narrow streets, street trees, well-maintained properties, small parcels, and a mix of land uses and activities. Along Warner’s Lake, the character remains a lake-side community. This character along with informal gathering places and activities for residents contribute to East Berne being a close-knit, family community.

Local businesses are concentrated on Main Street and at the corner of Routes 443 and 157A. East Berne businesses such as a small locally owned and run grocery, a farm stand showcasing local agricultural products, restaurants, and small “mom and pop” stores serve the needs of hamlet and town residents. Pedestrian opportunities help residents safely reach Main Street businesses and activities from Warner’s Lake and other areas within the Hamlet. Automobile traffic is controlled and managed to help make East Berne a pedestrian-friendly place.

Rural-oriented recreational activities exist in and around East Berne and a system of pedestrian paths link the hamlet to the Lake, nearby hills, Fox Creek, and other existing trails and paths. Linkages include sidewalks, multi-use trails, foot

paths and bicycle lanes. Warner's Lake is a resource for all hamlet and Town residents."

Goals

The Town of Berne Comprehensive Land Use Plan, developed in April 1992 establishes several broad goals related to land use planning in the Town of Berne. Public input received during this study confirms that many of the goals and objectives established in this 1992 Plan are still relevant today. Specific goals and objectives included in the 1992 Plan that relate to East Berne include:

1992 Plan Goal 1: Preserve and enhance the small-town rural quality

1. Encourage community activities which preserve the small-town, rural environment and are of benefit to town residents.
2. Encourage the continued existence of open spaces and agricultural land.
3. Encourage and direct development to those areas of town where the natural resources are less vulnerable to damage and reduction in quality.
4. Identify and evaluate the best areas for commercial zones that are compatible with existing resources.
5. Allow for commercial and non-residential development that is compatible with the small-town atmosphere.

1992 Plan Goal 2: Maintain and protect the town's natural resources

1. Improve the sewage disposal problem within the town, including reducing contamination of lakes and streams.
2. Develop guidelines to direct future growth and development so that it has a minimal negative impact on the Town's natural resources.
3. Protect and preserve cultural resources.

1992 Plan Goal 3: Identify and maintain remaining high quality agricultural lands in active or semi-active production.

1. Help preserve existing agricultural district.
2. Investigate alternative ways that can assist in the preservation of farm land.

1992 Plan Goal 4: Identify and plan for the necessary community facilities and resources.

1. Identify areas where town roads should be maintained and where new roads, if any, should be located.
2. Provide for future recreational needs.

New goals and objectives established for this strategic plan include:

Strategic Plan Goal 1: Sustain the hamlet of East Berne as a vibrant small and rural community. Encourage a mix and intensity of land uses that reinforce existing uses and allow for new uses that are consistent with the scale and character of the hamlet.

Strategic Plan Goal 2: Encourage residential and commercial development to locate within the hamlet and not sprawl into open spaces.

Strategic Plan Goal 3: Promote safe and attractive pedestrian opportunities. Establish pedestrian linkages between the Warner's Lake area to the Hamlet, and between Main Street and businesses on Route 443. All linkages should be sensitive to the rural character and informal nature of the hamlet. Improve site and access design, especially along Main Street from the Post Office to the Maple Inn to better accommodate pedestrians, bicycles, and auto access.

Strategic Plan Goal 4: Encourage and participate in regional land use and transportation planning efforts, and promote communication between the Town of Berne and adjacent communities.

Recommendations

This section provides recommendations and details directed at helping the Town of Berne meet the Goals of the 1992 Town of Berne Comprehensive Plan and this strategic plan. The recommendations include regulatory, capital improvement, and policy oriented actions. They are organized into the land use, transportation/linkages, and design recommendations for each of the following areas within the study area:

Main Street
Route 443 Corridor
Route 157A Corridor and the Route 157A/Route 443 Intersection
Warner's Lake Road/Warner's Lake Area
General

Some of the recommendations originate from the 1992 Town of Berne Comprehensive Plan. Many of these 1992 Plan recommendations are still valid. Because they are still valid, these recommendations are included in this strategic plan and denoted with a  symbol to indicate an action item already adopted by the Town of Berne.

A. Main Street Hamlet

1. Land Use/Zoning

- a.  Make East Berne a more distinct hamlet zoning district within the zoning law and amend dimensional requirements to fit the East Berne hamlet area. Currently, there is nothing in the Town of Berne zoning that distinguishes the hamlet as a unique area different from other areas. This can be addressed by better defining and distinguishing the existing zoning districts to be specific to the hamlet. See Map 12.

1. It is recommended that the area along both sides of Main Street from the Post Office/Church to the curve at the Maple Inn be maintained as a Neighborhood Commercial District. However, this should be renamed East Berne Neighborhood Commercial District (EB-NC) to distinguish it from other types of neighborhood districts in Town. In order to promote the unique characteristics of each area in Town, it is recommended that each hamlet (including East Berne) have its own districts so that uses, lot sizes, lot dimensions, and other standards can be tailored to the specific characteristics of that location. The hamlet of East Berne can share many of the zoning and land use requirements found in the Berne hamlet area (TN-MU 1 and TN-MU2) but should be designed to capture the needs of East Berne.

2. Other properties should be added to this EB-NC including lands at the intersection of routes 443 and 157A (See Map) and along Route 443 including the True Value Hardware Store, junkyard, the convenience store, and Heldeberg Bluestone.

a. The EB-NC should allow for a variety of business, residential, multi-family, and other mixed uses. The Town should review both the existing NC and TN-MU1 and TN-MU2 districts and analyze desired and businesses suitable for the East Berne hamlet area.

3. The lands included on the vacant lot in the center of the hamlet and the remaining parcels from the Maple Inn east to the Route 443 intersection should be designated as an East Berne-Medium Density Residential district (EB-MDR) since the existing character of this area is primarily residential. This EB – MDR district could also be expanded on lands suitable for development to give the hamlet some “room to grow” at a denser pattern (See Map).

a. The EB-MDR should continue the existing MDR allowable uses (mostly single or two-family residential with some municipal, cultural, and recreational non-residential uses allowed. Few businesses are allowed in the MDR district).

- b.  Change setbacks and frontage requirements to help preserve highway function and maintain rural character. This recommendation from the 1992 Plan is relevant but more emphasis needs to be placed on ensuring that development that does take place follows hamlet-style patterns. Current zoning lot sizes and setbacks impose a different and more suburban development pattern on the hamlet. As mentioned in Appendix A, current zoning encompassing most of the hamlet is in the NC district which requires a 1.5 acre minimum lot size. However, many parcels are much smaller than this with almost half only .10 acres in size and the other half between .25 and .60 acres in size. Of the 26 parcels, only 9 meet the current 1.5 acre minimum lot size. Without a sewer system or public water, new small lots would be more difficult.

To allow new growth to be consistent with the existing hamlet pattern, consider reducing the minimum lot size as shown below. If at some point in the future, a public sewer system were provided for in East Berne, the density regulations in Zoning should allow for even smaller lot sizes. Presence of a sewer system would allow for lots as small as ¼ acre in the hamlet. The following dimensions should be considered for the EB-NC and EB-MDR districts, without a public sewer system:

	Existing Neighborhood Commercial (NC)	Proposed East Berne Neighborhood Commercial (EB-NC)	Existing Medium Density Residential (MDR)	Proposed East Berne Medium Density Residential (EB-MDR)
Road Frontage	100' residential 250' non-residential	75' for both residential and non-residential	200' residential 250' non-residential	75' for both residential and non-residential
Front Setback	Minimum of 40' residential 140' non-residential	Maximum of 40' for both residential and non-residential	Minimum of 40' residential 140' non-residential	Maximum of 40' for both residential and non-residential
Side and Rear Setbacks	20' side 50' rear	20' side 50' rear for residential and 100' rear for non-residential uses to allow for rear-parking	50' side 100' rear	20' side 50' rear
Percent Coverage of Lot	45%	25% Residential 65% Commercial	20%	35% residential 45% non-residential
Minimum Lot Size	1.5 acres	1.0 acres	1.5	1.0 acres

- c. Amend zoning to control size and style of business signage. The sign regulations already adopted for the hamlet of Berne district (TN-MU) are appropriate and should be required for business signage in the EB-NC district. The Town should permit only exterior lighted signs, signs that are carefully designed to be consistent with the style, materials, colors and details of the building with wood or wood-looking materials preferred. Signage should be attached to the buildings and free standing signs along Main Street are discouraged (See Picture 4 on page XXX). If allowed, free-standing signs should not be higher than 10' with 24 square feet of sign space.
- d. Amend zoning to require new businesses to meet landscaping standards. Existing businesses should be required to meet landscaping standards when requesting municipal approvals /site plan approval for a change in use, for example. These standards should include using local native vegetation for:
 1. Screening as might be needed between a commercial and residential uses;
 2. Better defining of a street edge and entrance/exits to a commercial parcel and parking areas
 3. Shading and softening larger expanses of pavement in parking lots; and
 4. Enhancing facades.

2. Transportation/Linkages

- a. Work to establish pedestrian links within the hamlet and to enhance connection between Route 443 and Main Street for pedestrians. This can be accomplished by:
 1. Work with NYS DOT to place and develop pedestrian crossings from Main Street across Route 443 (See Map13) so that residents can safely access the commercial businesses along Route 443. This will also serve to re-connect this area to the hamlet-proper.
 2. Develop an informal sidewalk system on at least one side of Main Street from at least the Post Office to the Maple Inn. Room for sidewalks can be gained by having a smoothly paved shoulder; or by narrowing Main Street and reclaiming asphalt for shoulders. The road is currently wider than needed for its road class and traffic volume. Main Street could be “necked-down” to 20’ or 21’ pavement. Curbs are not recommended. Sidewalks could also be placed along this end of Main Street where the drainage ditch is currently located (See Picture 1 on page 25). The sidewalk could be constructed of pervious materials such as concrete pavers and would require upgrading the drainage with pipes/catchments. This would not only provide a safe pedestrian environment, but would make the street-edge more attractive and defined. Residents at community workshops also suggested using native bluestone for sidewalks. The priority area for sidewalk development would be the Post Office to Maple Inn portion of Main Street. Sidewalks on the other section of Main Street could also be constructed in the above manner, but are less of a priority.
- b. Work to expand regional transportation opportunities. Further, work with Capital District Transportation Authority and Albany County to expand bus service to Berne. There is currently one public transportation route to Berne provided by the Capital District Transportation Authority. Route 95 offers a Wednesday only schedule with stops in East Berne (Eaton’s Supermarket) at 9:30 AM, Berne Post Office at 9:55 AM, then going to Knox, Altamont, the 20 Mall, Crossgates, Stuyvesant Plaza, Colonie Center and Northway Mall (all with morning pickups and afternoon returns).
- c. Work with the Post Office or other landowners in the Main Street/Route 443 area to establish an attractively landscaped park and ride area for ride sharing or to establish a “rural bus shelter”.
- d. Over time, consider burying utility lines along Main Street (See Picture 1 and 9 on pages 25 and 32).
- e. Initiate a street tree planting program along Main Street.
- f. Even if sidewalks are not constructed along Main Street, there is need to improve the road shoulders. Mowing and ditch improvements along with other road shoulder improvements would enhance the aesthetic character of the road as well as provide informal and safer pedestrian opportunities than currently exists (See Pictures 1, 3, 6, 7, 9, 11, and 13 on pages 25 through 35).

- g. Landscape buffers containing street trees, a sidewalk, and lighting could be constructed on the western side of Main Street (See Picture 1, page 25). This would serve to enhance the street environment, improve property values, and project an image that the street is part of a place, rather than just as a place for vehicles.
- h. There is a vacant lot in the middle of hamlet that has a development potential for residences. This is an ideal location to expand density in the hamlet. Should this be developed in the future, it is very important that new residential streets within this parcel be connected to Main Street. Although it might be equally advantageous to have access from this area to Route 443, connecting it and making it part of the hamlet proper is very important. Roads, sidewalks or pedestrian paths, and hamlet style lots and structures are all crucial elements needed to bring this area into the fold of the hamlet.

3. Design Guidelines

- a.  Have hamlet design standards in zoning and subdivision to preserve rural character. Establish standards within the zoning and subdivision laws that will encourage new development that reflects the rural hamlet character of East Berne.



- b. These standards could include:
 1. Hamlet-style design standards such as consistent setbacks from the street and a designated build-to-line on new streets (See Picture 9 on page 32). Building faces should be parallel to the street with major roof ridges either parallel or perpendicular to the street. When buildings line up along a street, it creates a defined edge to the public space. Currently, the

apartment building is not parallel or perpendicular to Main Street. This can be rectified by a road improvement as described above and on Picture 1 (on page 25).

2. Small parking lots within the hamlet should be located to the rear of buildings, or if that is not possible, to the side with the lot screened with landscaping. Parking lots should remain informal with pervious gravel surfaces. Maintain the connectedness of the existing parking lots, but work to create a better street definition and pedestrian spaces as discussed in 2(a) (2), above. Parking in front of a building should be no more than 1 row. Large parking lots should include 1 tree for every 20 spaces.

3. Buildings should be sited as close as possible to the street. Front porches are encouraged. (See historical picture of Main Street as illustration of the traditional layout of buildings, above).

4. Use traditional buildings as a model for architectural components to emulate in new construction. See Pictures 2, 5, and 6 on pages 26 through 30) for existing building forms that are recommended as design standards, especially for commercial buildings. Picture 2 shows design features recommended to be used in new buildings such as a gabled roof, porch, colonial style, shutters, and clapboard-looking siding. This is similar to the historic architectural design of the East Berne Hotel in 1920, as shown below.



- c. Replace existing cobra-style lights with historic/period 'low style' street lights along with the proposed sidewalk system (or independently).

- d. Landscape and improve the large road shoulder between Main Street and the Post Office (See Pictures 3 and 6 on pages 27 and 30). This is a large, unkempt area and some simple improvements here would enhance the character of this intersection.
 - e. Work with the Post Office to screen the white propane tank visible between Main Street and the Post Office building (See Picture 7 on page 30).
 - f. Infill large empty setbacks along Main Street with landscaping and better lighting. There is currently too much paving from street edge to building. This can be accomplished by building 15 foot landscape buffers (island) to control access points from Main Street (from the Post Office to the Maple Inn) (See Picture 1 on page 25). This could include 10 feet for a green area for street trees and potentially lighting and a five foot sidewalk along this portion of Main Street. A landscaped island across from the Maple Inn that separates the street from the parking lot of the auto repair business would create a more delineated roadway in this location. On the slope just below the Maple Inn, create a low, bluestone retaining wall along the curve of Main Street. (See Picture 1).
 - g. Main Street should be lined with trees. Plant street trees at 30 foot intervals. (Historic photos of East Berne show street trees lining Main Street.)
 - h. Improve the major entrance to the hamlet near the Post Office with another low bluestone retaining wall (similar to the one recommended near the Maple Inn) and include a welcoming hamlet sign (See Picture 10 on page 33). This can be carved right into the hillside. This might also be an appropriate area to have a multi-business or service sign to advertise all the businesses located on Main Street. Such a project could be sponsored by a local business association.
 - i. In the future, as roads are reconstructed or if infrastructure improvements made, consider burying underground the electric and telephone wires, at least from the Maple Inn to Route 443.
4. Other
- a. Identify and acquire one or more undeveloped parcels of land for use in the hamlet center for use as public green.
 - b. Work with Albany County economic development department to explore strategies to attract local desired businesses through incentives, tax abatements, and other economic development programs. Encourage a grocery, food store, small and locally owned Mom/Pop stores, farmers markets, a bank, and restaurants as preferred businesses within the hamlet. These were the businesses identified by participants as being desirable.
 - c. Work to establish a community center.

B. Route 443

1. Land Use/Zoning

- a.  Change setbacks and frontage requirements to help preserve highway function and maintain rural character. It is recommended that at least the northern side of Route 443 be rezoned to be included in the East Berne Neighborhood Commercial District. (See Map 12). This would better reflect the actual and potential uses in this location. Use of the EB-NC designation would also allow for smaller setbacks and frontage requirements. The goal of this is to help make this portion of Route 443 feel and function more as part of the hamlet.
- b. Amend zoning to implement basic landscaping requirements for new businesses and add a provision that requires existing businesses to implement landscaping when any kind of municipal approvals such as site plan approval were required.

2. Transportation/Linkages

- a.  Initiate adoption of rural road standards. In order to maintain the existing rural character of the area, new roads should not be overbuilt. Narrow roads, with no curbs, and either open or closed drainage systems are more appropriate than suburban style roads which tend to be wider, have curbs, and more formal stormwater drainage facilities. New residential roads do not have to be wider than 20'. Cul-de-sac roads should be minimized and if dead-end roads are needed, use a "T" or hammerhead style as these is more consistent with rural roads than a cul-de-sac. Finally, Route 443 should be maintained long-term as a rural highway and not improved with additional lanes.
- b.  Minimize the number of new driveway curb cuts off of Route 443. Amend zoning to include traffic access/curb cut control for new development along Route 443 and 157A. More curb cuts will result in less safe conditions, slows traffic, and alters the rural appearance of the highway. Zoning should require a maximum of two curb cuts, preferably one (such as at the Hardware Store). Over time, if the Route 443 business area gets more developed, allow for cross-access through parking lots so that vehicles do not have to enter Route 443 in order to get from one business to the next.
- c. Develop a sidewalk system with high visibility pedestrian crossings linking businesses along Route 443 with those on lower Main Street (See Map 13). Sidewalks could be developed preferably outside the existing shoulders and drainage areas and should have trees planted between the road and the sidewalk. This sidewalk could be an informal gravel walking path or more formal such as bluestone. Additionally, or as an alternative to a walking path, work with NYS DOT to develop smoothly paved shoulders along Route 443 and 157A for shared roadway uses for bikers.
- d. Establish landscaped gateway treatments (signs, planting areas, and trees) at the east and west end of the hamlet where Main Street intersects Route 443.

See Map 13 and Picture 20. Work with New York State DOT's context sensitive design unit to fully develop these gateway and linkage concepts for future roadway maintenance and design so Route 443 is compatible with the hamlet setting.

- e. Work with the Sherriff and State Police to aggressively enforce speed limits along Route 443 and Route 157A. Note that speeding of ATV's, 4-wheelers, and motorcycles along these roads has also been reported to be a problem.
 - f. Directional signs along Route 443 could be improved to bring traffic to local businesses (See existing signage as show in pictures 3 and 10). These signs should reflect the character of the hamlet and contribute to the design of the area.
 - g. Neck down pavement along Route 443 from Route 157A to at least the hardware store to get vehicles to slow down. A neck down of pavement will also be useful to create a bike lane. New buildings built along Route 443 in this vicinity should also be closer to the road as that will also serve to slow traffic down.
3. Design Guidelines
- a. Similar to the roofline of the new convenience store (See Picture 5 on page 29), improvements could be made to the Hardware store's roof such as adding a cupola that would add to the rural/agricultural character.
 - b. New commercial buildings are required to be approved through site plan review processes of the Town of Berne. This process should require design review. All new commercial buildings should have gabled roofs with features such as cupola (See Pictures 5 and 6 on pages 29 and 30). Structures should also use traditional façade materials such as wood or wood-like siding, stone, or brick. The pictures below are other examples of modern commercial structures that are designed to be more consistent with the character of an area. The first is the recycling center in the hamlet of Berne and the second is a Subway/Dunkin Donuts convenience store in Cairo, NY.





- c. On the western side of the hamlet, an East Berne sign is placed near the cemetery. All the East Berne entrance signs are well maintained and attractive, but the area around the signs along Route 443 could be improved (See Pictures 11 and 12 on page 34). Consider using the same theme of split rail fencing to create a nook with landscaping around the sign. With adequate maintenance to control weeds, this would enhance the gateway to the East Berne area.
- d. Landscaping treatments at hamlet entrances could use a split rail fence and bluestone retaining walls as a theme.
- e. Initiate a community contest to come up with a Hamlet logo. The current East Berne signs are excellent, but do not identify specifically the hamlet. It is recommended that a similar signage program be developed for the hamlet.

C. Route 443/Route 157A/Intersection

1. Land Use/Zoning

- a. This area should be designated in the East Berne Neighborhood Commercial area (See Map 12). As such, it would have the same use, dimension, development, landscaping, and other standards as those area on Route 443 and in the hamlet along Main Street. 📄 Change setbacks and frontage requirements to help preserve highway function and maintain rural character.

2. Transportation/Linkages

- a. 📄 Initiate adoption of rural road standards.
- b. 📄 Recommendation 2(a) and (b) above should also be implemented for the intersection of 443 and 157A, and for Route 157A.
- c. Establish high visibility pedestrian crossings at Route 157A and Route 443 (See Map 13).

- d. Work with NYS DOT to develop smoothly paved shoulders along Route 157A between Route 443 and Warner's Lake Road to be a shared roadway uses of pedestrians and bikes (See Picture 13 on page 35).
- e. As a long-term recommendation, create a linear boardwalk system along the wetland found adjacent to Route 157A and seek hiking connections from there up the stream to the hamlet (See Map 13).

3. Design Guidelines

- a. Work to locate a pedestrian link from the end of Mill Dam Road to Thacher Park Road (See Map 13).

D. Warner's Lake Road and Warner's Lake Area

1. Land Use/Zoning

- a.  Existing zoning does not specifically identify seasonal uses, either residential or commercial, as permitted anywhere in Town. As such, all existing seasonal uses, including seasonal residences would be considered a non-conforming existing use, and new ones would not be permitted. This could have significant impacts to expansions, changes, or new uses. Since the Warner's Lake area has a strong history of seasonal residences and other seasonal uses and could potentially accommodate some new seasonal development, the zoning should be clarified to specifically permit such uses. Both the definitions and use schedule should reflect that seasonal residences are the same as any other type of single-family residence. The Town should consider allowing certain seasonal uses (camp grounds or a seasonal restaurant, for instance) in the Warner's Lake area.
- b. Reconfigure the Warner's Lake area from an MDR zoning district and create a new zoning district that has standards and policies suitable and consistent with the existing lake-side style development. Currently, the zoning requires lot sizes and setbacks that are not feasible around the Lake. This forces almost all lots and setbacks to be non-conforming. Establishment of a Warner's Lake District will enable residents to continue to develop the remaining lots consistent with the lake-style development, within the parameters of the zoning, and without requiring landowners to obtain variances or other permissions. (See Map 12).
- c.  Change setbacks and frontage requirements to help preserve highway function and maintain rural character. In this location, setbacks and frontages should be set to be similar to what is already in existence. 236 out of 301 parcels around the lake average .65 acres. Many are smaller. There are 29 parcels around the lake that are currently vacant. These average .96 acres. Only five vacant parcels would meet the required 1.5 acre minimum lot size. Changing the lot and setback requirements will allow people to develop the

smaller lots more easily (provided all Albany County Department of Health requirements for water and waste disposal are met).

2. Transportation/Linkages

- a. Warner's Lake Road and all the other lake roads are very narrow. It is not feasible to construct any pedestrian facilities along Warner's Lake Road, in the right-of-way, or along the shoulders, nor is it desirable as that would change the character of the area. As an alternative, the existing low-volume road system can be designated as pedestrian links to the Lake and other locations.
- b. It is feasible to link these existing small roads to establish a safe walking route to hamlet as shown on Map 13.
- c. Although out of the study area, work with landowners and NYS DEC to explore ways that the existing snowmobile trail on west shore of Warner's Lake could be used for year-round use as a hiking trail (See Map 10 and 13).
- d. Consider developing the unused land at the intersection of Route 157A and Warner's Lake road into a landscaped pocket park. This area can be improved aesthetically with landscaping and a gazebo, bench or other amenity for pedestrians.

3. Other

- a.  Secure a permanent access area at Warner's Lake for Town residents.
- b. Should public access to Warner's Lake be provided for in the future, the Town should work closely with the Warner's Lake Association to develop public use rules/limits that are compatible with maintaining quality of experience for current residents.

E. General Recommendations (Throughout Study Area)

1. Land Use/Zoning

- a.  Allow for cluster development in rural areas to preserve open space, agriculture, and to protect environmentally sensitive lands. Use clustering and conservation subdivisions outside the hamlet to direct density of development to specific areas of a parcel to protect open spaces, agriculture, and environmental resources. See Appendix B for model conservation subdivision regulations that could be incorporated into Town Zoning.
- b. Work with the Town, County, & land conservancies to voluntarily acquire conservation easements from willing landowners to protect key open spaces in and around the hamlet edge with a buffered green edge. Over time, maintain a strong contrast between developed land in the hamlet and less developed land

(RAF zoned lands). This will strongly contribute to the rural character of the area as well as enhance the presence of the hamlet. Amend zoning and subdivision laws to incorporate clustering/conservation subdivision standards that can work to ensure this greenbelt surrounding the hamlet area.



East Berne Hamlet, 1907

- c.  Set standards for functioning sewage disposal. The 1992 Plan recommended this and the Town should explore methods to ensure that septic systems are installed and maintained properly. The Town could consider establishment of an on-site wastewater (septic) district to help residents maintain their septic systems. The 1992 Plan also recommends creation of a sewer and water district. Although conditions do not currently seem to warrant creation of these public infrastructures, there is potential in the future and these public services would also support higher density and additional businesses in the hamlet area. To address this now however, the Town should promote education programs that help homeowners understand the need to properly maintain their on-site septic systems.
- d.  Make changes to zoning that serve to enhance and preserve rural character. These should incorporate the design, lighting, signage, and parking standards discussed in this strategic plan. Most of the standards detailed for the TN-MU1 and TN-MU2 districts would also serve this part of Berne well.
- e. Ensure that all commercial uses within the recommended East Berne Neighborhood Commercial are allowed subject to site plan review.
- f.  Allow for multi-family uses. This is especially important in the hamlets.
- g.  Protect wetlands, major streams and their tributaries, and groundwater recharge areas with a zoning overlay. A groundwater study is needed to identify where groundwater recharge areas are. A groundwater or aquifer protection overlay zone would help control land uses that would be incompatible with protecting groundwater. Since all of East Berne's water

comes from wells, it is prudent to identify water sources and work to ensure high quality groundwater.

2. Transportation/Linkages

- a. Work with landowners and NYS to find connections from the hamlet to the State Reforestation Areas.
- b. Along Thacher Park Road, Beaver Dam Road, and Thompson's Lake Road, upgrade roads with paved shoulders to create a shared roadway system designed to connect Thompsons Lake State Park, Thacher Park and the hamlet (See Map 13). Alternatively or in addition, use Long Road and Bush Drive as a marked bike/hike scenic route. Mark routes with appropriate signage.
- c. Reconfigure the intersection of Thacher Park Road and Warner's Lake Road to better utilize unused, vacant land here. This could be an ideal place for landscaping, a pocket park and signage to identify the Warner's Lake area as well as direct people to businesses in the hamlet.
- d. Create a linkage for a pedestrian trail going from Dyer Road to Route 443, to Cole Hill Road, and then to Fox Creek.

3. Other Recommendations to Meet Goals of East Berne

- a.  Inventory cultural and historical resources. Once this information is together, the Town can more effectively participate in historic preservation programs. Some examples of such programs include helping landowners list their properties on the National or State Register of Historic Places, accessing grants for façade and building restoration, or establishing a local historic district.
- b. The Town of Berne highway department should increase efforts to maintain road edges and shoulders with increased landscaping, weed control, straightening signs that are tipping over, etc.

Pictures



Picture 1

Establish 15 foot landscape buffer to define street edge, improve pedestrian safety and improve the character of the street. Other landscape islands along this side of the street can be created to allow for street tree planting, sidewalks, lighting, and/or to distinguish street from parking lot and create true lot access.

Improving road drainage here for shoulder improvement and possible location for sidewalk. The slope near the Maple Inn at the curve is recommended location for a bluestone retaining wall.



Picture 2

This hamlet location contains many design features that the Town should strive towards emulating when new development occurs: Gabled roof, front porch, street trees, shutters, and structures placed close to the road. Note the stone retaining wall. This feature adds distinction to the property and is the model for the other retaining walls recommended in this plan.



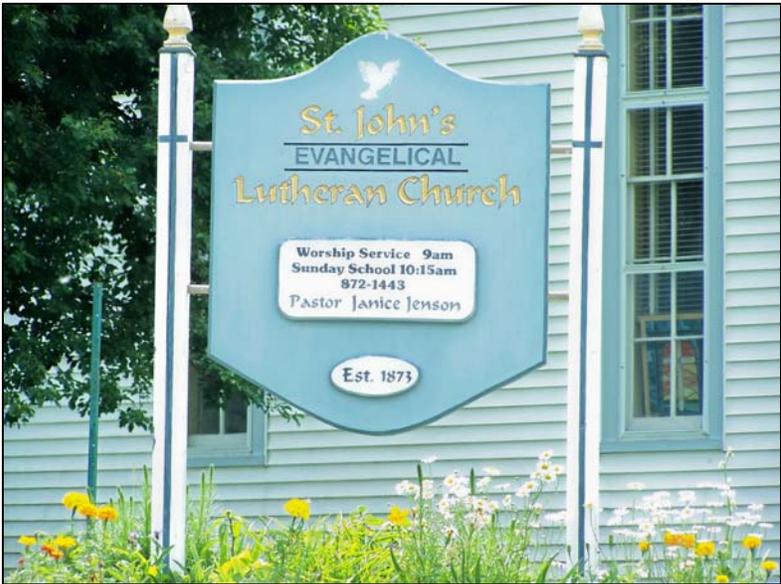
Area needing shoulder improvement, maintenance and landscaping.

Picture 3

Landscape improvement area with low bluestone retaining wall installed into slope, drainage ditch improvement, split rail fence, low plantings, hamlet sign and/or new multi-business sign to direct people to businesses.



Picture 4a
Examples of well-designed building sign and free standing sign that are consistent with the architecture of the building.



Picture 4b



Picture 5

New building in East Berne showing excellent design features such as the gabled roof, roof and façade embellishments that introduce a rural “barn-like” style, and well designed windows and door. This is an excellent example of how a commercial building can emulate design features and be consistent with the character of an area.



6

Shoulder of road could be improved with mowing and landscaping to create small green area. Drainage improvements are needed in this area.



Propane tank could be screened with vegetation or fencing.

Picture 7



Picture 8

This view shows a large expanse of gravel. Landscaping, along with landscape islands to separate the auto repair business parking area from the apartment parking area while defining Saddlebrook Lane better would break up this open area and make it look less harsh.



Picture 9

More appropriate front setback for a hamlet. Parcels on this side of the street have true curb-cuts and this better defines the street and parcel.

This side of Main Street could have landscape islands with street trees, sidewalks and lights. Residents did not desire formal historic lighting, but other less-formal lighting styles are available. In the future, consider burying utility wires on this portion of Main Street. This shows how access is not from a curb-cut but along the entire length of the road frontage of parcel. Buildings on this side of street with too-long front setback from street edge.



Picture 10a

These two pictures represent the “gateways” to the hamlet. These areas could be improved with unified theme including a low, bluestone wall, split rail fence, low landscaping, and signage as the entranceways into the hamlet. Signs can also be consolidated and redesigned to reduce roadside clutter.



Picture 10b



Picture 11

Improve this gateway area near the cemetery with a split rail fence or bluestone wall to create a small landscaped "nook". At the very least, mowing on a regular basis here would improve the aesthetics and functioning of this area as a gateway to the East Berne region. Compare this to the lower picture where the lawn is maintained,



Picture 12



Along Route 157A, there is room for shoulder and road improvements for shared use.

Picture 13

Appendix A: Current Conditions in East Berne

Demographics

In order to understand the population, housing, and demographics of East Berne, U.S. Census data were evaluated. No federal or State census data exists specifically to East Berne. A close approximation of the East Berne hamlet area was obtained by using U.S. Census Data from individual census blocks. The census blocks were grouped to make a broad, rough approximation of the study area, inclusive of properties in the central hamlet area, although some of the area outside the hamlet was counted as well. Many of these census blocks are sparsely settled outside of the hamlet core, so the data provides a good snapshot of the hamlet environment. The following charts and tables summarize the demographic characteristics of the East Berne area.

Table 1: Year 2000 Demographic Overview & Comparison

Demographic Characteristic	East Berne Hamlet Area Census Blocks	Town of Berne	Albany County
Population	494	2846	294,565
Median Age	39.9	39.6	36.8
Households	202	1099	120,512
Average Household Size	2.45	2.59	2.32
Housing Units	308	1385	129,972
Units Owner-Occupied	51.9%	66.7%	53.5%
Units Renter-Occupied	13.6%	12.6%	39.2%
Units Vacant	34.4%	21%	7.3%
Seasonal/Recreational	31.5%	78%	0.9%
For Rent	0.0%	3.5%	2.7%
For Sale	1.6%	11.9%	1.0%

Data Source: 2000 United States Census

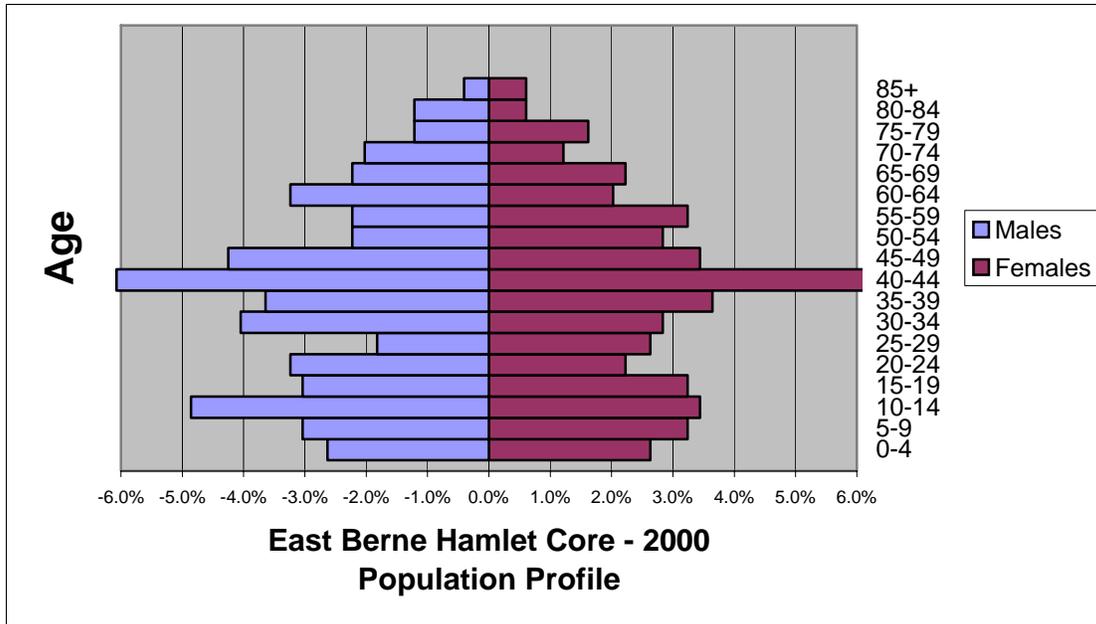
The hamlet area has about 16% of the Town of Berne's population and about 21% of the Town's housing units. The hamlet area has a slightly older population than the town as a whole or the county. The share of family households and home ownership rate is slightly lower, though comparable to the rest of the eastern portion of the town and comparable to other rural communities. The hamlet area has a high portion of vacant units, most of which are seasonal/vacation/summer homes. The market vacancy rate for home sales indicates a reasonable availability of homes, but the rental market appears to be very tight with no rental homes on the market in 2000.

Table 2: Comparison of Hamlet of East Berne to Town of Berne

	<u>Hamlet</u>	<u>% Town of Berne</u>
Population:	440	15.5% (2,846)
Share of Population 65+ Years:	13.4%	
Households:	182	16.6% (1,099)
Average Household Size:	2.42	
Families:	123	15.3% (806)
Average Family Size:	2.85	
Housing Units:	287	20.7% (1,385)
Seasonal Units:	62	28.7% (216)
Share Family Households:	67.6%	
Owner Occupancy:	79.7%	
Renter Occupancy:	20.3%	
% All Units Owner-Occupied:	50.5%	
% All Units Renter-Occupied:	12.9%	
% All Units Seasonal:	33.8%	

Data Source: 2000 United States Census

A careful analysis of the age profile of a community assists in understanding existing conditions and future trends that may affect the area. The population age profile pyramid chart below shows the number of males and females by age for the Census Block surrounding the core hamlet. This shows a notable gap in the young adult age ranges of 20-30 years of age. There is also a significant bulge in the 40-44 year old group along with a bulge in the 10-14 year old group, indicating the presence of more families with school age children in the hamlet. A very large number of people aged 40 to 44 indicates that in the future, there will be a large increase in the number of senior citizens residing in the East Berne hamlet area.



The table below compares other demographic characteristics of the hamlet area to Albany County and how they changed between the Census Years of 1990 and 2000. Among the notable features and trends are:

- Significantly fewer residents had lived in the same house in the past five years in the 1990 census than in the 2000 census for the East Berne area indicating a small past wave of in-migration to the community and a more stable population.
- Median home values and rents are lower than the County as a whole and have held relatively constant, while median household incomes have risen substantially. This indicates that the hamlet area has shown an increased potential for housing affordability.
- The number of individuals working from home rose about 40% between the census years from about 3% to 5% of all employed persons. While this is still a small portion of those employed, the increase mirrors a work-at-home trend seen throughout New York State. This trend also indicates that the East Berne hamlet area is attractive to people who wish to work from home and this can play an important role in economic development.
- Median and average commute times are higher than in the County as a whole and have held relatively constant, while those in the County have increased.
- New construction has lowered the median age of houses slightly more than in the County as a whole.
- The unemployment rate rose during the inter-census period slightly more than in the County.
- The share of households receiving retirement income rose slightly more than in the County. This is consistent with the trend showing increased age and numbers of senior citizens in the area.

- Educational attainment at the higher education level is lower than the county as a whole.

Table 3: Additional Demographic Characteristics of East Berne Area Population

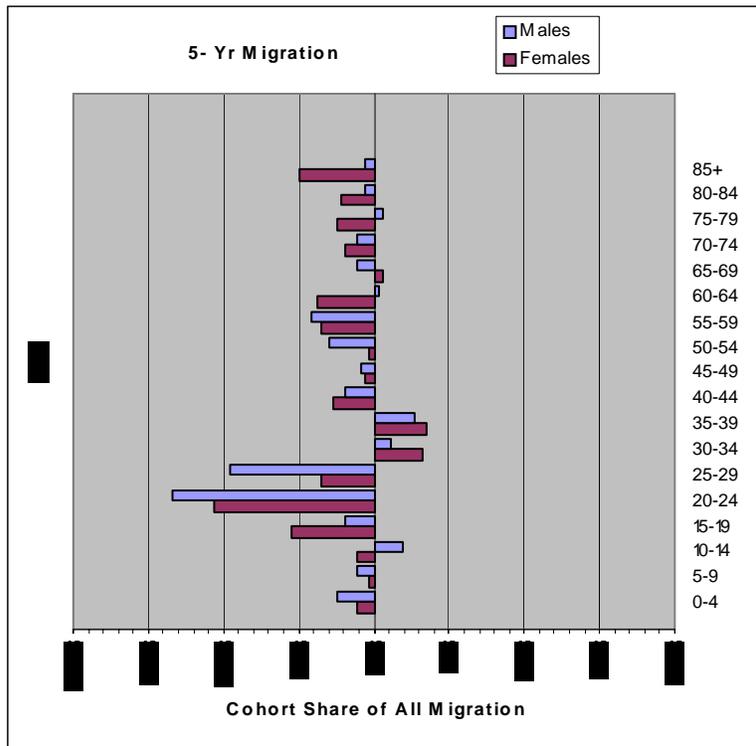
Demographic Characteristic	Census Tract 148.01 Block Group 1			Albany County		
	1990	2000	% Change	1990	2000	% Change
Median Home Value	\$91,900	\$97,700	5.94%	\$110,900	\$116,300	4.64%
Affordability (Home Cost Index)	2.8	2.0	-35.59%	3.3	2.7	-22.73%
Affordability (Mortgage Estimate)	\$82,628	\$119,109	30.63%	\$82,561	\$106,264	22.31%
Median Gross Rent	\$412	\$489	15.75%	\$481	\$611	21.28%
Affordability (Rental Budget Estimate)	\$835	\$1,203	30.59%	\$834	\$1,073	22.27%
Affordability (Budget Rental Index)	2.0	2.5	17.62%	1.7	1.8	1.27%
Median Year Structure Built	1959	1963	0.20%	1953	1956	0.15%
Lived In Same House Past 5 Years	67.5%	79.1%	14.66%	55.0%	56.7%	3.00%
Median Household Income	\$33,385	\$48,125	30.63%	\$33,358	\$42,935	22.31%
Per Capita Income	\$13,651	\$22,835	40.22%	\$16,363	\$23,345	29.91%
Share of Households - SSI Income	24.9%	29.9%	16.70%	28.1%	27.3%	-2.89%
Share of Households Public Assistance Income	3.9%	2.3%	-71.87%	5.2%	3.3%	-57.88%
Share of Households Retirement Income	19.3%	20.3%	4.64%	19.6%	20.1%	2.49%
Percent Population Below Poverty Level	9.7%	5.5%	-75.64%	12.3%	10.6%	-15.66%
Persons In Labor Force	1,322	1,221	-8.27%	157,059	155,220	-1.18%
Labor Force Participation Rate	71.6%	66.5%	-7.67%	66.4%	65.8%	-0.91%
Unemployment Rate	2.9%	4.7%	38.30%	2.9%	4.4%	34.09%
Percentage Attained Bachelor's Degree or More	22.8%	20.2%	-12.87%	28.4%	33.3%	14.71%
Share Worked From Home	3.1%	4.9%	36.73%	2.0%	2.6%	23.08%
Median Commute Time	32.8	32.3	-1.55%	18.5	18.9	2.12%
Average Commute Time	33.7	33.8	0.30%	20.8	21.9	5.02%

Data Source: 2000 United States Census

Migration Profile for Eastern Berne (Census Tract 148.01 Block Group 1)

The chart below shows a relatively high number of people have moved out of the area, particularly among young adults, those aged between 50 and 64, and female senior

citizens. Conversely, there has been very little migration into the area. Those that have moved into the area between 1995 and 2000 were generally aged 30 to 39 years.



An analysis of population trends shows the potential for a decreasing population over the next four decades. Three different population projections were reviewed: Showing migration into and out of the area, showing no migration and just accounting for births and deaths, and trends in households. All methods show a decreasing population. Similar projections were made by the Capital District Regional Planning Commission. They projected a Town of Berne population in 2005 to be 2,845 persons, and a 2040 population of 2,808 persons. Applying this growth trend in the surrounding area to the current East Berne Hamlet Area would indicate a 2020 population of 396 persons and a 2040 population of 370 persons.

Traffic

The East Berne Hamlet area is located around NY State Route 443 at its intersections with NY State Route 157A and Main Street. Main Street, which was once the route for the Heldeberg Trail is the traditional hamlet center. A new section of NY 443 was built to bypass Main Street due to safety problems associated with a restricted right of way and alignment of the roadway with a nearly 90 degree turn. This alteration changed the traffic flow through the hamlet and has put NY 443 in a more central role for commercial activity seeking to capture traffic, particularly near the intersection with NY 157A.

Traffic volumes (measured as the Annual Average Daily Traffic Count of Vehicles, or AADT from 2004) and accident rates (1999-2001) close to the main roads within the hamlet center area are listed below:

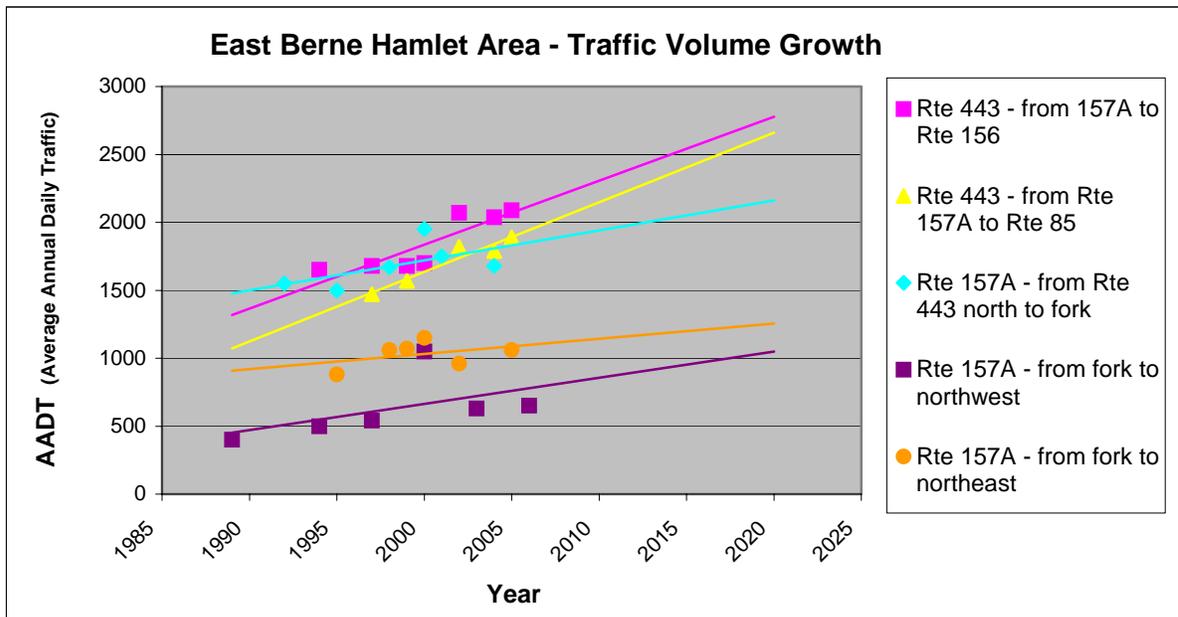
Table 4: Traffic Volume and Accident Information

Route	Section	AADT	Accidents
NY 443	West of NY 157A to Berne Hamlet / NY 156	2037	3
NY 443	East of NY 157A to NY 85	1790	7
NY 157A	North of NY 443 to fork at Warner Hayden Road	1686	2
NY 157A	North on Warner's Lake fork	535	4
NY 157A	North & east on Thacher Park Road fork	1157	

Data Source: New York State Department of Transportation

For comparison, the AADT of NY Route 443 is around 5,000 vehicles as it approaches the Albany City line and around 900 vehicles as it approaches the Schoharie County border.

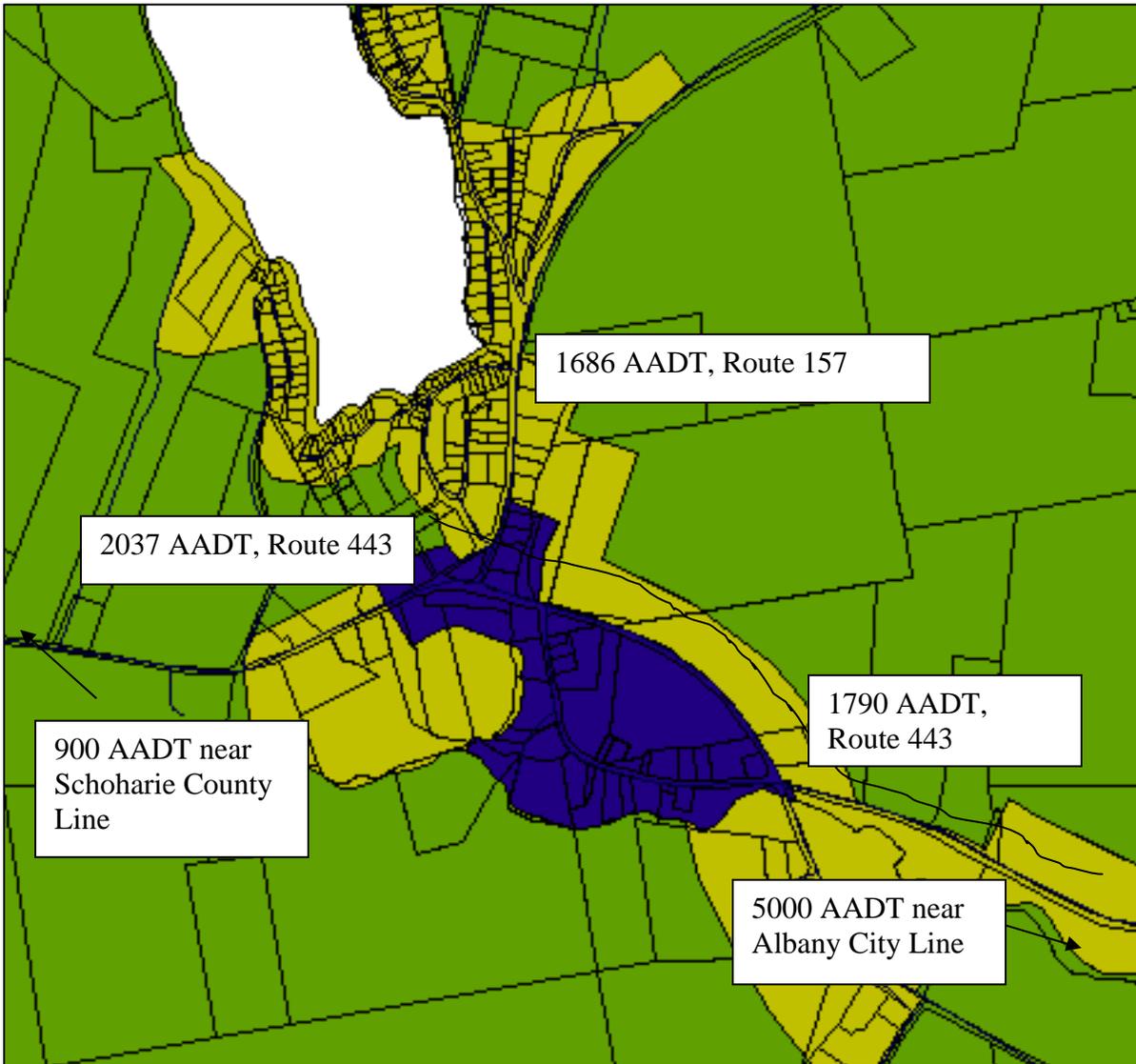
Between 1999 and 2001, accidents occurred in two rough cluster locations within the hamlet district. One is the eastern 'gateway' to the hamlet area in the vicinity of the junctions of NY 443 with Long Road, Filkins Hill Road, and the east end of Main Street. The other cluster is generally around Warner's Lake, including the fork of Route 157A at Warner Hayden Road, the intersections of many of the small roads along Warner's Lake Road and at the intersection of Warner's Lake Road, Knox Cave Road, and Strevell Lane. The number of accidents along Warner's Lake Road and its intersections, given the relatively low AADT volume, indicate possible problems related to speeding, sight lines, and other issues.



*Projections are linear trends based on NYS DOT data

Growth in traffic volume was made based on New York State Department of Transportation data. All locations show an increase in traffic volume. Route 443 shows a higher growth rate than Route 157A.

The chart below shows traffic volumes for each major route through East Berne.



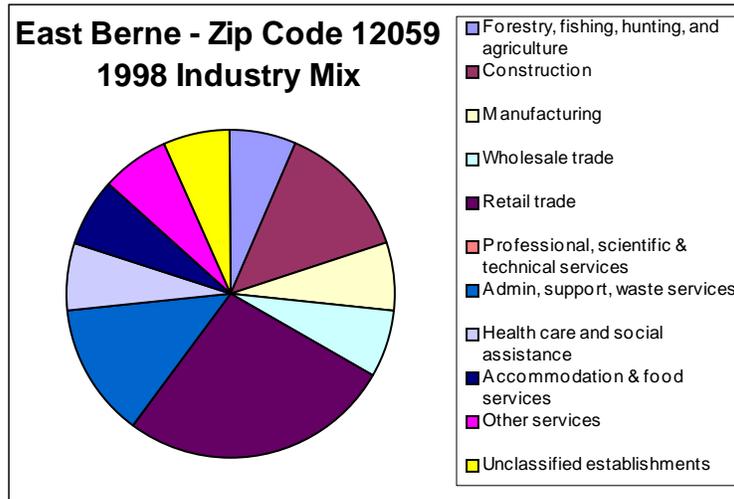
Economy

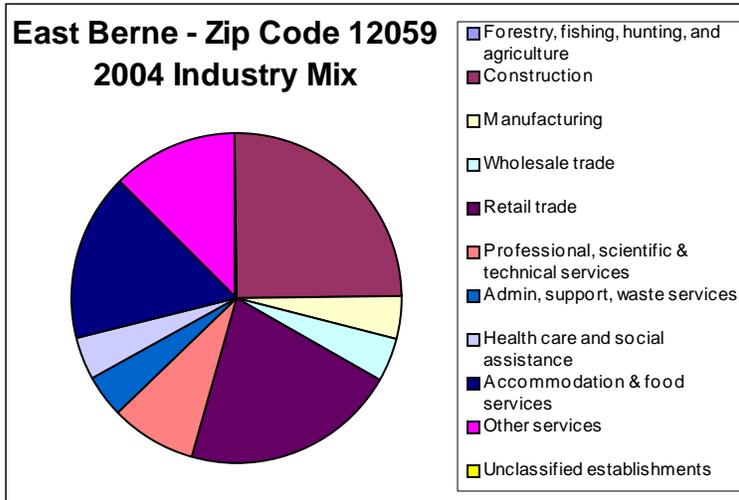
Industry data from the U.S. Census for the Zip Code 12059 area indicates that East Berne experienced a positive local economic boost in the past 10 years. The number of establishments in the East Berne Zip Code grew by half and local employment doubled, while total payroll nearly quadrupled.

Table 5: Economic Characteristics of Albany County and the East Berne Zip Code area

Albany County	1990	2000	% Change
Total Establishments	8815	9226	4.7%
Total Employees	162226	171625	5.8%
Employees / Establishment	18.4	18.6	1.1%
Payroll (2004 Dollars)	\$5,703,082,091	\$6,214,339,000	9.0%
Payroll / Employee (2004 Dollars)	\$35,155	\$36,209	3.0%
East Berne – Zip Code 12059			
Total Establishments	15	24	60.0%
Total Employees	61	132	116.4%
Employees / Establishment	4.1	5.5	35.2%
Payroll (2004 Dollars)	\$1,095,212	\$3,794,000	246.4%
Payroll / Employee (2004 Dollars)	\$17,954	\$28,742	60.1%
% Local Payroll/Employee Relative to County	51.1%	79.4%	55.4%

Data Source: 2000 United States Census





The charts above indicate shifts in employment and the relative contributions of each kind of employer to the overall increase in firms, employment, and payroll in the East Berne Zip Code. The sector that contributed the most to the growth in the 1990's was construction which accounted for about 45% of the total growth in firms in East Berne. The construction sector contributed a much smaller share (5%) of the total growth in Albany County. A new retail establishment was added to East Berne between 1997 and 2004 contributing 11% to the share of firm growth. In comparison, in Albany County, retail establishments declined and made a negative contribution (-10%) to the County's growth. The Accommodation & Food Services sector made strong contributions (3 new firms or 33% of total) to East Berne's total growth, similar to that sector's performance in the County. There was no growth in the Health Care sector in East Berne, while that sector contributed 20% to the County's total growth in the same period.

A variety of businesses exist in the hamlet area including a hardware store, paving/sealing business, engineering office, gifts/crafts, automobile service, stone quarry, restaurant, gas station, pet store, post office, and public service uses such as volunteer ambulance/fire department.

Land Use Trends and Potential Development Capacity

There are 15 properties in the study area listed (according to the Real Property Tax Information) as non-residential parcels. These include four classified for dining, 1 for junkyard, 1 for commercial multi-purpose, 1 for religious, 2 for public service, 2 for commercial (storage and distribution), 2 for commercial office, and 2 for commercial parking. There is one parcel classified as an agricultural use within the study area, 46 parcels as vacant, and the remainder as residential (see Map 2 and 3).

Except for a few large parcels that probably were farms/farmhouses built between 1750 and 1800, the majority of parcels surrounding the Lake have structures built between 1901 and 1950. Building around the Lake is in a bulls-eye pattern: most of the structures immediately adjacent to the Lake were built between 1901 and 1950 and these are surrounded by new structures built after 1951. The oldest structures can be found along Main Street and at the corner of Routes 443 and 157A. Many of these were built before 1900, some in the late 1700's (See Map 6). According to the New York State Office of General Services, Submerged Lands and Natural Resource Manager, lands under the waters of Warner's Lake are not State-owned but are private lands conveyed out from the original manor of the Rensselaer Patent.

The current zoning in the study area includes NC (Neighborhood Commercial), MDR (Medium Dense Residential) and RAF (Rural, Agriculture and Forestry) (See Map 7). All of the oldest part of the hamlet along Main Street, including lands at the intersection of Routes 443 and 157A are currently zoned NC. Most of the remaining land in the study area is zoned as MDR with a few areas zoned as RAF along the edges (See Map 7). These designations mean:

NC: Neighborhood Commercial. Requires 1.5 acre minimum lot sizes, with 100 foot road frontage for residential uses and 250 feet for non-residential uses, a 40 foot front setback, 20 foot side yard setback, 50 foot rear setback, along with a maximum of 45% lot coverage. Allowed uses (some require site plan review and/or special use permits) include multi-family units, conversion of seasonal residence to year-round residence, cemetery, church, cultural facility, public library or other municipal service use, membership clubs, recreation buildings and grounds, public utilities, schools, home occupations, customary accessory uses, and a variety of business uses. Twenty-seven different types of business uses are allowed and range from automobile sales and service, to bars, shopping center, motel, restaurant, retail stores, to laundry, theater, animal hospital, kennel and wholesale business. One or two-family dwellings are not permitted in the NC district.

MDR: Medium Density Residential. Requires 1.5 acre minimum lot sizes, with 200 foot road frontage for residential uses and 250 feet for non-residential uses, a 40 foot front setback, 50 foot side yard setback, 100 foot rear setback, along with a maximum of 20% lot coverage. Allowed uses (some require site plan review and/or special use permits) include one or two family dwellings, manufactured home, conversion of

seasonal residence to year-round residence, cemetery, church, cultural facility, forestry, golf course, hospital or nursing home, municipal buildings, membership clubs, recreation buildings, public utilities, schools, home occupations, and customary accessory uses. No business uses are allowed.

RAF: Rural Agriculture Forestry. Requires 5 acre minimum lot sizes (8 acres for non-residential), with 300 foot road frontage for residential uses and 400 feet for non-residential uses, a 70 foot front setback, 100 foot side yard setback, 100 foot rear setback, along with a maximum of 15% lot coverage. Allowed uses (some require site plan review and/or special use permits) include one or two family dwellings, manufactured home, conversion of seasonal residence to year-round residence, agriculture, cemetery, church, cultural facility, forestry, golf course, hospital or nursing home, municipal buildings, membership clubs, recreation buildings, public utilities, schools, home occupations, and customary accessory uses, auctions, aircraft landing field, equipment rental/sale, greenhouse nursery, restaurant with no drive through, riding academy, animal hospital, kennel, mining, and fuel or gas storage. No other business uses are allowed.

East Berne has a diversity of land uses within it. Along Main Street and at the intersection of Routes 443 and 157A, it has a mix of businesses interspersed with residential uses. Parcel sizes are very diverse as well with many small parcels mixed with larger ones. Land uses around Warner's Lake are almost all residential.

An analysis of property values also shows another facet of the community's diversity: properties showing a value of \$50,000 exist together with those that are valued from \$150,000 to \$385,000. Unimproved parcels also show a diversity of property values (See Maps 11 and 12).

Build-out Analysis.

As part of this study, a buildout analysis was conducted. A build-out analysis is an exercise designed to estimate the amount of development that can possibly occur if all developable land in an area is fully built according to the municipality's current land use regulations. This buildout analysis uses the Town of Berne's current land use regulations, considers environmental constraints that would limit development in certain areas, and calculates the total residential density allowed at full buildout. It does not predict when this buildout would occur, at what rate it would occur, or where it would occur first. It only predicts the possible end result. This is a useful exercise to help Berne evaluate if current zoning will result in development that is consistent with the vision and plan for the community.

A geographic information system (GIS) software program was used to conduct this analysis.¹ For East Berne, the analysis calculates the total land base within the study area,

¹ Note that the results of all of these calculations are only estimates. The GIS layers used are not exact replicas of what is actually found in the real world, only representations of what is there.

subtracts all lands having certain environmental constraints that would prevent any kind of building as well as completely built areas from that land base. In the study area, the only environmental constraint that would impact buildable area is flood hazards. There are some wetlands and steep slopes but they are mostly on already built parcels. The GIS then applies the Town’s zoning rules for the NC, MDR, and RAF zones to calculate the number of allowable new residences. For purposes of this analysis, the buildout assumed that all new residential development will likely be single-family homes.

The Zoning layer determines the allowed development density within each district. The minimum lot sizes used for the calculations in each zoning district is as follows:

Zoning District	Minimum Lot Size
NC	1.5 acres
MDR	1.5 acres
RAF	5 acres

Environmental features that would constrain development included open water, streams, and wetlands, including a 100 foot upland buffer, flood plains, and slopes over 15%.

Results of the Buildout Calculations within Study Area:

Existing residences in study area	276 dwellings
Vacant buildable land in study area	113.5 acres
Buildable land if subdivided in study area	42 acres
Potential new residences in study area	95, if all available land were used for residences
Potential commercial space in NC District ²	233,243 square feet
Potential new residences in study area	78, if all available land in the NC were commercial uses ³

The two maps below shows fully built lands and lands still available for residential building within the study area. The second figure shows land within the NC district (along Main Street) that are available for commercial uses and those lands that are not available for those uses. Finally, the third figure shows potential locations of new residences based on the buildout analysis.

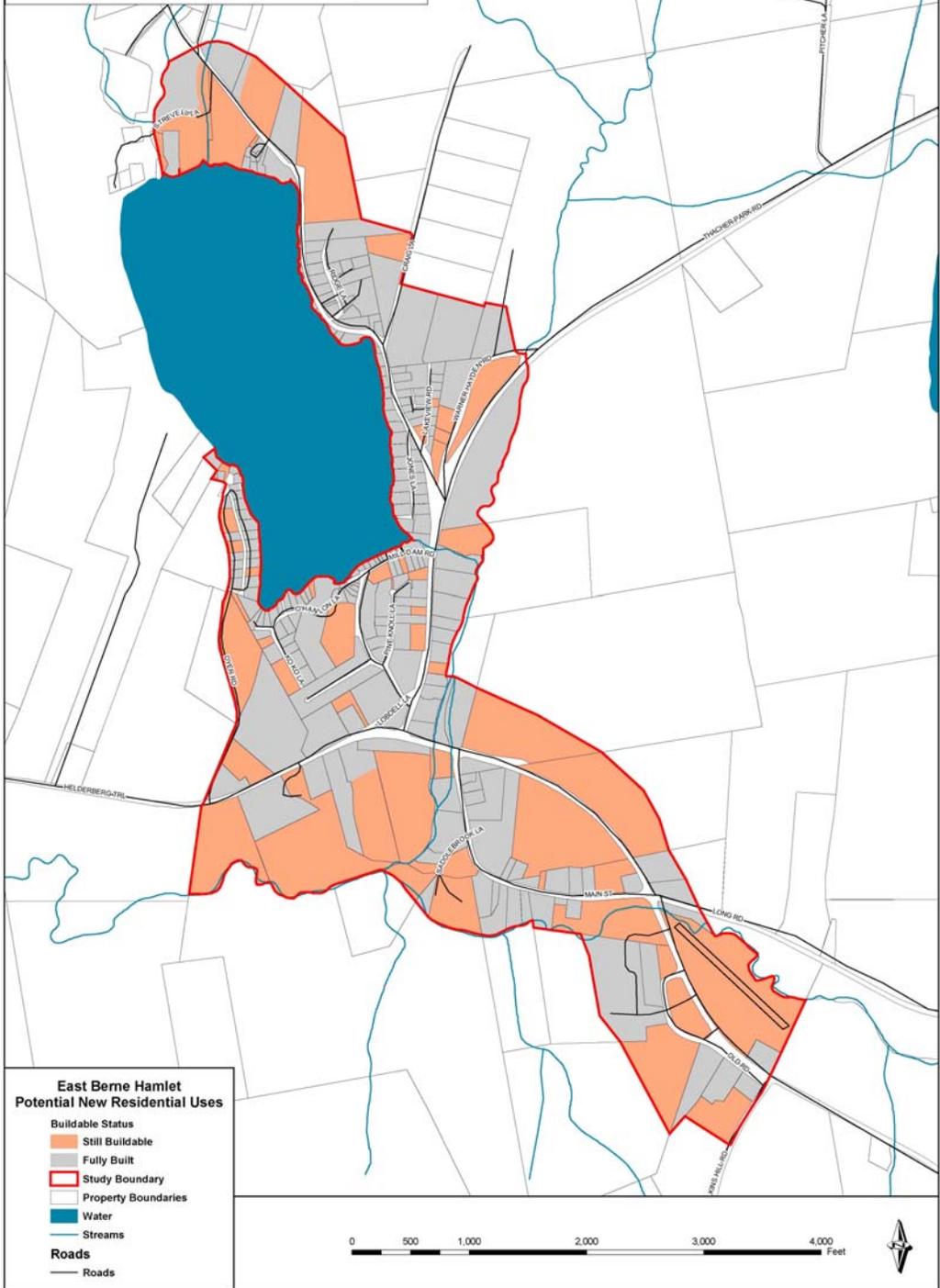
The processing of the data also introduces a certain amount of error, and can increase the inaccuracy of the data layers. The only way to get an accurate count of allowed residential uses on a particular property is to do an on-site survey of existing conditions.

² (based on a 20% building coverage of lot)

³ If all land area in the NC district were used as commercial space, there would be potential for 17 additional residences (if allowed as a use variance under current zoning).

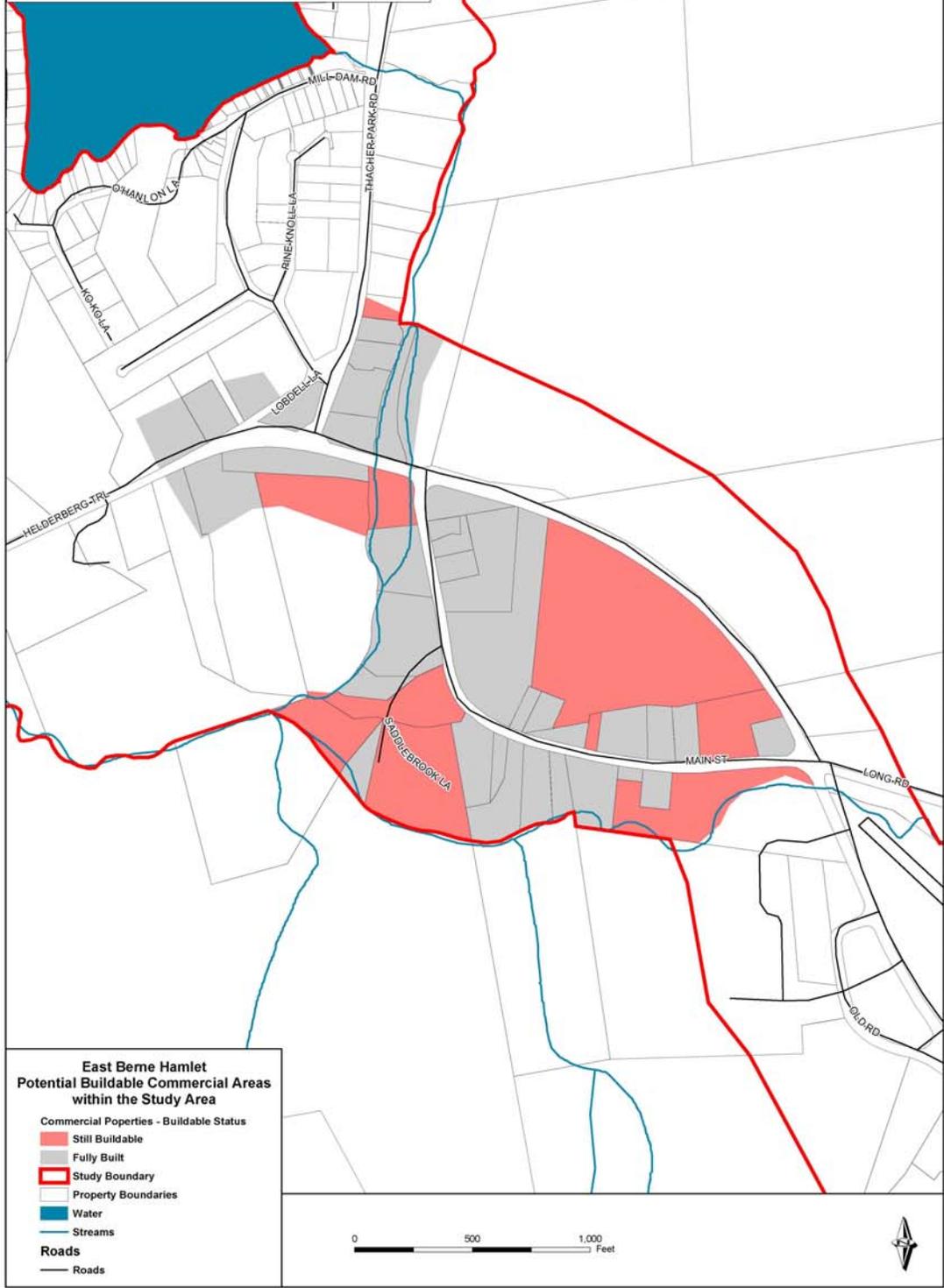
**Town of Berne
Hamlet of East Berne
Albany County, NY**

**Community Planning &
Environmental Associates**
Nan Stolzenberg, AICP - www.planningbetterplaces.com
152 Stolzenburg Road, Berne, NY 12023
Don Meltz, Planning and GIS - www.donmeltz.com



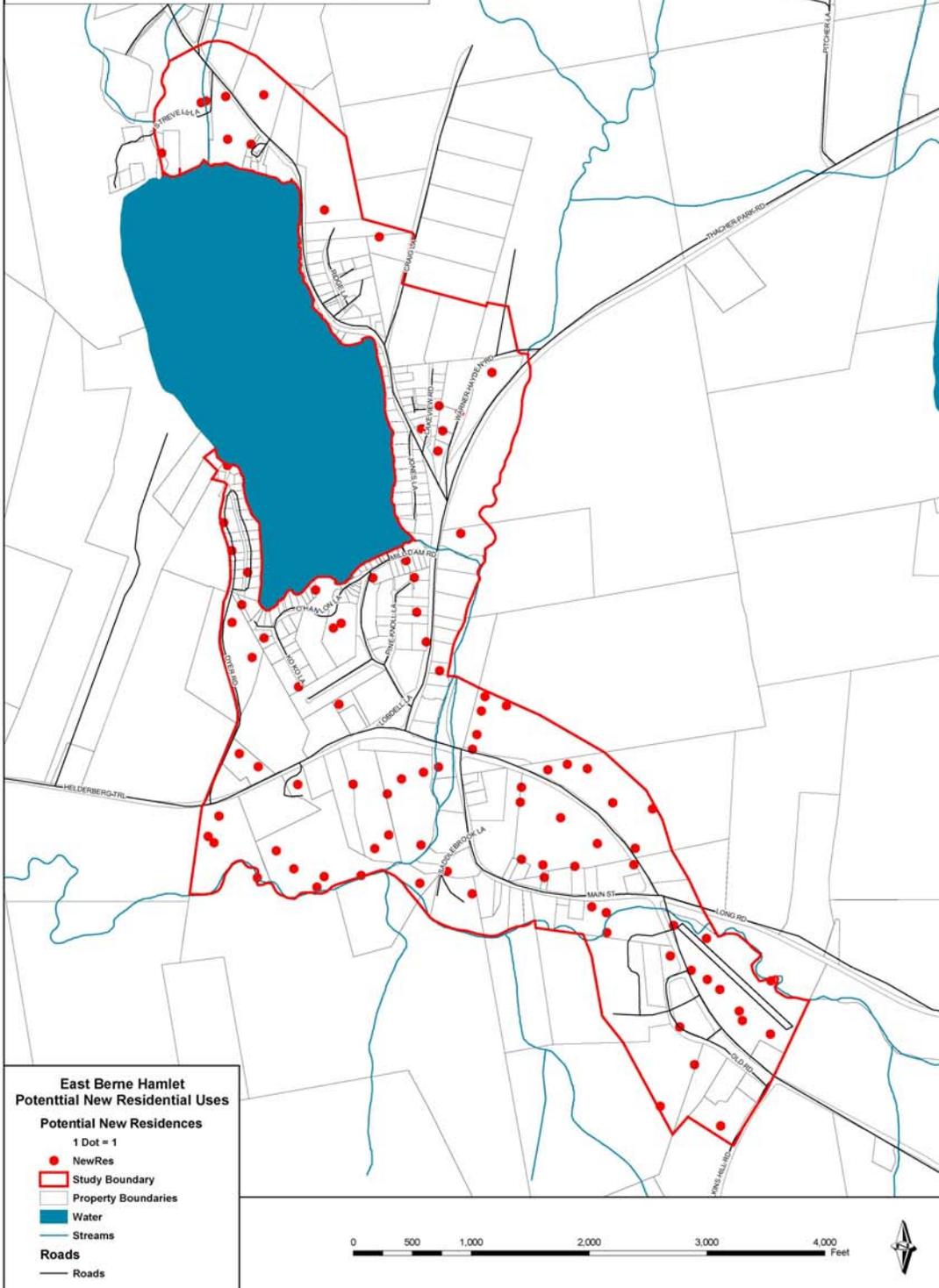
Town of Berne Hamlet of East Berne Albany County, NY


**Community Planning &
Environmental Associates**
 Nan Stalzburg, AICP - www.planningbetterplaces.com
 152 Stolzenburg Road, Berne, NY 12023
 Don Meltz, Planning and GIS - www.donmeltz.com



Town of Berne Hamlet of East Berne Albany County, NY


**Community Planning &
Environmental Associates**
 Nan Stalzburg, AICP - www.planningbetterplaces.com
 152 Stalzburg Road, Berne, NY 12023
 Don Meltz, Planning and GIS - www.donmeltz.com



This indicates that at full build-out, there is a potential of between 354 and 371 total residences within the study area and over 233,000 square feet of commercial space. Most of the buildable land is south of Warner's Lake and along Route 443. Several very large parcels exist along Main Street in the hamlet. Since most of the buildable lands are within the NC zoning district, these could be either residential or commercial uses.

Environmental Features of the East Berne Area

Maps 1, 4, 5, and 11 detail many of the environmental features that are found in or near the hamlet. There are relatively few environmental constraints within the study area. However, the hamlet is surrounded by steep slopes and wetlands that do pose constraints. A portion of the hamlet is included in the Fox Creek Flood Hazard area (Map 1). There is a large, DEC-regulated wetland to the east of Warner's Lake Road that intersects a small portion of the study area. Some smaller wetlands regulated by the federal government are found scattered through the area. Steep slopes are a major environmental feature and these can be found surrounding the study area (Map 4 and 5). The watershed for Warner's Lake (Map 11) includes lands to the west, north and east of Warner's Lake. Land along Route 157A, Route 443 and Main Street are not included in the watershed.

Public Input

Two public meetings were held in East Berne. The purpose of these meetings was to introduce the planning process to the public and to understand how residents perceive the area and what future needs and desires they have for the hamlet. These workshops were well attended with over 60 people in attendance at each. (Note that not all attendees at the workshops participated in the workshop activities or survey conducted at the time.) The results of the public input are as follows:

Public Workshop

Positive features of the East Berne area include (in order based on number of times mentioned by participants):

Natural beauty (hills, trees e.g.)
Safe / peaceful
Friendly neighbors
Close to public land (Thacher S.P. e.g.)
Open space
Rural living, surroundings, & activities w/ agricultural land, open land access for neighbors ethic
Large lot size
Low real estate taxes
Small local businesses (no chains)
Good aquifer / water supply
Multi-generational
Natural resources, wildlife
No pollution (land, noise, light)
Warner's Lake
Central location in Heldebergs
Community volunteer spirit
Hasn't changed much
Local business / Main Street events in past
Personal space / privacy
Close to Post Office
Good comprehensive plan & regulations in place – protect privacy & limit commercial development
Good the way it is – leave it alone
Jerseys'
Appropriate speed zones
Bank
Gift Shop
Lack of expensive infrastructure costs (sewer/sidewalks)
Live and let live attitude
Maple Inn revitalization
Relatively close to Albany & Schenectady

Small scale

Negative features of the East Berne area include (in order by number of times mentioned by participants):

Lack of sidewalks / shoulders for walking
No public beach or access to Warner's Lake
Lack of grocery
Inadequate street lighting (Main Street and throughout town)
Poor speed limits / enforcement (esp. Main Street – weekends / happy hour)
Conditions of roads & highways – poor maintenance (Mill Dam Road e.g.)
Lack of control for ATVs (ORVs) on land, esp. late at night
Lack of defined Hamlet area (for commerce & events)
Lack of gas station (or need more)
No bike areas (along roads or paths)
Too much land use restriction – discontinue zoning
Unattractive / shabby appearance of residences and businesses
Inadequate septic systems (esp. Warner's Lake)
Main Street narrow for traffic volume
No designated trails for Snowmobiles or ORVs
Poor entrance/exit directions for businesses
Street light spacing shines into residents windows
Study area too large for defining as 1 hamlet
Town doesn't promote hamlet businesses, no signage for Main Street
5 acres rule may eliminate need for sewers
Accident problem at junction of Knox Cave Road & NY 157A – change stop sign back to previous location
Current growth controls sufficient
Dogs running loose – no enforcement
Drainage problems on roads & highways
Lack of bank (or need more)
Lack of bus service
Lack of current visual cohesiveness
Lack of park & ride area for commuters
Lack of pharmacy
Lack of plan for hamlet growth & business placement
Lack of public recreational facilities
Lack of things to do / entertainment (especially for youth)
Land requirements too strict – decrease lot size for business
Mill should have been made a museum
Need a traffic signal at NY 443 & NY 157A
Need more businesses
Need more friendly restaurants
No community center

No current defined vision for future appearance / layout
No local boat launch
No senior housing
No sewers or main water supply to support development
No swimming available to town since change at Thacher pool
Noise problem on Main Street (ATVs, Snowmobiles, Motorcycles)
Provincial, uncreative thinking
School taxes high
Setbacks too shallow
Siting of some uses ruins good vista along stream corridor
Speeding on NY 443 from airport to Dyer Road
Street lights unattractive
Town applies for grants without public consensus
Trash along roads – thrown from cars

Visioning

Participants were asked to envision what the hamlet would look like in the future, visually. The future appearance was described as follows:

Hamlet Appearance	
<i>Quality</i>	<i>Times Mentioned</i>
Scenic, small, rural / country village (layout & architecture)	9
Has evidence of planned layout / architectural appearance	4
Has sidewalks (local bluestone)	4
More street lighting (attractive / period)	3
Scenic beauty & natural resources preserved	3
Clean and neat	2
Has a park / green / common area	2
Peaceful, tree-lined streets	2
Roads are maintained and plowed well w/ grass on margins cut	2
Same as now	2
Flower boxes / planting boxes	1
Haphazard dwellings	1
Looks great	1
No run down homes and abandoned cars	1
No seasonal roads	1
No unsightly storage of supplies open to view	1
Plain Jane – w/ some simple theme for Main Street and the hamlet	1
Quaint, bright, cheerful	1
Signage for businesses	1
Structures maximum of 3 stories – no high rises, colonial architecture	1
Used to have animals & large gardens in properties along Main Street	1

Wood clad shops	1
Main Street, Route 443, to Warner's Lake	1
Easy walking distances for all ages	1
Businesses grouped together where they are now	1

Participants were asked what kind of transportation options they envision in the future.

These were:

Hamlet Transportation	
<i>Option</i>	<i>Times Mentioned</i>
Walking (esp. hamlet center)	18
Biking	15
Public transportation – daily bus to Albany	7
Public transportation – weekly bus to Albany	4
Street through hamlet with bike and walking trail free from traffic	4
Biking lanes / shoulders (NY 443 & NY 157A)	2
Hiking trails	2
No changes needed	2
No sidewalks	2
Park & ride	2
Snowmobile, dirt bike, and ATV trails	2
Enforce speed limits around & on Warner's Lake	1
Horseback riding	1

Participants were asked to describe what traffic would be like through the area in the future. This was described as:

Future Traffic	
<i>Quality</i>	<i>Times Mentioned</i>
Should have lower & enforced speed limits	6
Expect only a bit more than now	5
Expect heavier traffic in am/pm on NY 443 w/ more trucks	3
Should be moderate with busier am/pm (NY 443) due to commuters	3
Expect heavier traffic on Main Street	2
Expect volumes and speeds will rise w/o limits and enforcement	2
Should be pedestrian friendly	2
Should be very sparse (Main Street)	2
Expect hamlet would be congested – foot traffic only on Main Street?	1
Expect the same unless area rezoned	1
Roads are plowed in timely manner	1
Should be day visitors	1
Should be enough to sustain businesses	1
Should be no heavy trucks	1
Should be safe w/ no commercial	1
Should be slow w/ limited truck traffic	1

Should flow faster between hamlet centers	1
Should have less noise pollution from motorcycles and ski jets	1

Participants were asked to describe the landscaping and architecture found in the hamlet of the future. This was described as:

Landscaping & Architecture	
<i>Quality</i>	<i>Times Mentioned</i>
Rural (well kept old homes, new homes reflect older/country style)	9
Natural – native trees & vegetation	5
Now is mostly plain, no unity or sign of plan – need standards	5
Open spaces, views, and agricultural lands	4
Okay as is	3
Now has mix of beautiful / trashy properties	2
Should have well-maintained structures & yards	2
Benches	1
Good signage for streets and businesses	1
Maintain natural setting	1
Natural colors	1
Public lighting should be low-mounted and directed down	1
Should have historic district	1
Should have more new structures as many old ones are run down	1
Signage regulations less restrictive than Town of Guilderland	1

Participants were asked what kind of activities would be desired in the hamlet in the future. These were:

Hamlet Activities	
<i>Activity / Event</i>	<i>Times Mentioned</i>
Community / meeting center (near P.O. e.g.)	6
Active pocket park / recreation area (Fox Creek green space e.g.) w/ open air concerts	5
Social (informal gathering places – breakfast/coffee e.g.)	5
Active church(es)	4
Restaurants / bars / shops (currently Maple Inn)	4
Family / educational / school related	3
Festivals (Maple – spring, Music – summer, Harvest – fall, Octoberfest, & Winter Carnival e.g.)	3
None	3
Cultural	2
Farmers’ market	2
Public beach	2
Recreational	2
Weekend entertainment location (movies, dances, performances)	2

Heritage days	1
Now Warner's Lake is a big focus as is Thompson's Lake camping	1
Snowmobiles, jet skis, ATVs, hiking, biking in designated spots/times	1
Volunteerism	1

Participants were asked to describe what kind of residential development exists in the future. This was described as:

Residential Development	
<i>Residential Type</i>	<i>Times Mentioned</i>
Same as current zoning – low density (5-acre lots minimum)	8
Not much / none	6
Not much (esp. Main Street – room for more around Lake etc.)	2
Only single-family on individual lots	2
Clustered housing allowed so preserve open spaces	1
Currently haphazard	1
Eclectic – w/ sustainable energy systems	1
Expect will be more than desired	1
Mix of single-family and multi-family units	1
New development off main roads to maintain ease of commuting	1
One to three family units	1
Small bed & breakfast	1
Some new senior housing	1

Participants were asked if the hamlet would differ from what it is now and if so, how. The results include:

Desired Changes	
<i>Quality / Issue</i>	<i>Times Mentioned</i>
Keep the same small-scale, simple, rural charm	12
Attractive, cohesive, cheery atmosphere in hamlet center like Altamont/Voorheesville	5
Rural tone, tree-lined streets (esp. NY 443)	4
Lighting improvements	2
More small, local businesses	2
Sidewalk improvements (limited – use bluestone)	2
Town park at Warner's Lake	2
Youth center & activities	2
Add a farmers' market to hamlet center	1
Any new business cater to supplying everyday needs & rural activities	1
Clustered businesses	1
Convert barns to antique & craft shops	1
Don't ruin Warner's Lake with overuse	1
Eliminate yard clutter & open storage of equipment/material, especially at	1

hamlet gateway	
Encourage creativity	1
Get ready for expected Tech Valley growth pressure	1
Keep it w/o sidewalks, sewer district	1
Maintain rich natural beauty as hamlet setting	1
Maintain single-family, large lot zoning – no added commercial	1
More populated (2-3 times existing housing)	1
Reconsider trying to acquire old camp property	1
Road maintenance improved	1
Small artists community around local artisans in hills	1
Town park (concern about overuse of Lake if located there)	1
Wind / water power	1
Would have a bank branch	1

Strengths, Weaknesses and Opportunities

An analysis of the above public information allows identification of some of the major strengths, weaknesses and opportunities facing East Berne. These are:

Identified East Berne Strengths	Identified East Berne Weaknesses	Identified Opportunities For...
1. A traditional location for businesses in Town; a variety now exist in Hamlet, especially Main Street (Post Office is in the Hamlet)	1. Not all retail/service needs can be met locally – no grocery store	1. “Mom and Pop” retail, service, commercial businesses
2. Hamlet has retained its traditional character – scenic, small, rural, country village style	2. Lack of sidewalks, trails, and links for pedestrians, bikers, etc. – does not create safe conditions for pedestrians	2. A town-owned beach at Warner’s Lake
3. Warner’s Lake/Thacher Park and other public lands	3. Lack of speed enforcement and truck traffic that bothers some residents	3. Enhance Main Street’s aesthetics
4. Natural beauty of area and surrounded by ample open space	4. Lack of street trees, especially along Route 443.	4. Enhance Main Street’s pedestrian opportunities and connections to other locations in Hamlet and Warner’s Lake
5. Safe and peaceful	5. Lack of access to and promotion (signage, etc.) of Main Street businesses - Lack of uniform signage, lack of directional signs to Main Street,	5. Maintain rich natural beauty and hamlet setting
6. Low density with large lot sizes	6. Lack of recreational activities and a community center - Lack of public access to Warner’s Lake	6. Streetscape improvements such as sidewalks (maybe bluestone), lighting, signage, general maintenance, etc.

7. Friendly community with lots of community spirit	7. Some properties need improved maintenance, lack of landscaping including street trees	7. Promote public transportation
8. Diverse population	8. Minimal public transportation	8. Work with DOT on traffic patterns, speed, and pedestrian networks
9. Generally affordable home conditions and low taxes	9. Street lighting not adequate, and in some cases, a nuisance to residents (glare)	9. Enhance hamlet oriented activities for residents and more recreation opportunities
1. E. Berne Fire Department		10. Enhance development standards to ensure that new development fits in
11. Camp Woodstock		
12. Home occupations		

Appendix B: Model Conservation Subdivision Standards

A. Applicability and Density.

All proposed major subdivisions in the RAF district shall be designed according to this section. Conservation subdivisions are encouraged in the MDR zone, but are not permitted in any hamlet zone. The permitted number of dwelling units in a conservation subdivision shall not exceed the number of units permitted according to the density requirements of the zoning law and district in which such land is situated and conforming to all other requirements of the Town of Berne Zoning.

B. Dimensional standards.

Within the framework of limitations set forth in this section of the law, the Planning Board shall review all proposed modifications of lots, bulk and other requirements which it has determined are necessary or appropriate to properly accomplish the purposes of this law. Lots shall be arranged in a way that preserves open space as conservation as described in this section. Lots shall be arranged in a way that preserves open space as conservation as described in this section. When a conservation subdivision is proposed near the hamlet boundary, open space should be designed to create or maintain a “greenbelt” so that there is a clear distinction “country” and “hamlet”.

1. In all Zoning districts, a conservation subdivision must preserve at least fifty (50) percent of the tract’s acreage as open space land. Parking areas and roads shall not be included in the calculation of the minimum required open space.
2. Minimum street frontage of each residence: 20 feet
3. The builder or developer shall include variations in the principal building position and orientation, but shall observe, as practical, the following minimum standards: Front yard setback of 20 feet; Rear yard setback of 40 feet; Side yard setback of 15 feet separation for principal buildings; building height of 35 feet.
4. Maximum impervious coverage. No more than 30% of any given acre shall be covered with impervious surface in the form of access drives, parking areas or structures.
5. Minimum lot size. The minimum lot size for developments requiring individual wells and septic systems shall be equal to that required by the Albany County Department of Health to meet standards for water and septic system approvals.

C. Cluster and Conservation subdivision process

1. Sketch Plan. A Sketch Plan shall be submitted by the applicant as a diagrammatic basis for informal discussions with the Planning Board regarding the design of a proposed subdivision or land development. This layout shall include an identification of primary and secondary conservation lands within a parcel(s), which includes those elements most highly valued by the community. The purpose of a sketch plan is to facilitate an expedient review of proposed new subdivisions in conformance with the

Town Zoning Law. To provide a full understanding of the site's potential and to facilitate the most effective exchange with the Planning Board, the Sketch Plan shall include an *Existing Resources and Site Analysis Map* including the information listed below. Conditions beyond the parcel boundaries may be generally described on the basis of existing published data available from governmental agencies, or from aerial Pictures. The sketch plan is not intended to be a highly engineered or exact document, but a general sketch illustrating the location and type of environmental features that are present on the site. This site plan should show:

- a. Area having slopes of fifteen (15) percent or greater.
- b. Wetlands, aquifer and aquifer recharge areas, if known, municipal water supply areas, flood-prone areas as shown on Federal Emergency Management Agency maps, lakes, and streams, if any.
- c. Agricultural lands including farmland within and adjacent to a New York State certified Agricultural District, and soils classified as being prime farmland or soils of statewide significance, if any.
- d. Sites where community sewer, community water, or community water and sewer are available or planned, if any.
- e. Lands within or contiguous to a Critical Environmental Area designated pursuant to Article 8 of the Environmental Conservation Law, if any.
- f. Lands contiguous to publicly owned or designated open space areas, or privately owned and designated natural areas, if any.
- g. Historic structures or areas of national, state or local importance, if any.
- h. Sites bordering on or in known scenic locations identified in the Town's *Comprehensive Plan*.
- i. Areas with rare vegetation, significant habitats, or habitats of endangered, threatened or special concern species, or unique natural or geological formations, if any.
- j. General locations of vegetative cover conditions on the property according to general cover type including cultivated land, grass land, old field, hedgerow, woodland and wetland, and the actual canopy line of existing trees and woodlands.
- k. Lakes, ponds or other significant recreational areas, or sites designated as such in the Town's *Comprehensive Plan*, if any.
- l. Existing trails, bikeways, and pedestrian routes of Town, State or County significance or those indicated in any Town, County or State plan for future trail development, if any.

- m. Ridge lines on the property.
- n. Location of all existing streets, roads, buildings, utilities and other man-made improvements.
- o. All easements and other encumbrances of property which are or have been filed of record with the Albany County Clerk's Office.
- p. Soils map from the Dutchess County Soil Survey.

2. A preliminary plat shall be developed after the sketch plan meeting with the Planning Board and shall incorporate the approved sketch plan. The submission requirements for a Preliminary Plat include the requirements for Sketch Plans in the Town of Berne Subdivision Regulations.

3. All other procedures and requirements of the Town of Berne Subdivision Law related to Preliminary and Final Plat Approvals shall be followed.

D. Design Process for Conservation Subdivisions.

1. Determine the number of lots the parcel is eligible for according to Town zoning requirements for the RAF district.

2. Step 1: Delineation of Open Space Lands. Proposed open space lands shall be designated as follows:

a. Primary Conservation Areas shall be delineated comprising open water (including streams, floodplains, and wetlands) and slopes over 15% and shall be designated on a map. Primary Conservation Areas shall be included in the required open space area to the greatest extent practical.

b. Secondary Conservation Areas shall be delineated and designated on a map. Secondary Conservation Areas include special features of the property that would ordinarily be overlooked or ignored during the design process such as agricultural lands, woodlands, significant natural areas and features, stone walls, hedgerows, meadows, historic structures and sites, historic rural corridors, scenic viewsheds, and trails. In delineating Secondary Conservation Areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitability for inclusion in the proposed open space, in consultation with the Planning Board to create a prioritized list of resources to be conserved. On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicant's subdivision objectives, Secondary Conservation Areas shall be delineated to meet at least the minimum percentage requirements for open space lands. These features shall be clearly noted as well as the types of resources included within them on the map. Calculations shall be provided indicating the applicant's compliance with the acreage requirements for open space areas on the tract.

c. The primary and secondary conservation areas, together, constitute open space areas to be preserved, and the remaining land is the potential development areas.

3. Location of House Sites. Building envelopes shall be tentatively located within the potential development areas. House sites should generally be located not closer than 100 feet from Primary Conservation Areas and 50 feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas.

4. Align Streets and Trails. After designating the building envelopes, a street plan shall be designed to provide vehicular access to each house, complying with the standards identified herein and bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed open space lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding 15%. Existing and future street connections are encouraged to eliminate the number of new cul-de-sacs to be developed and maintained, and to facilitate access to and from homes in different parts of the tract and adjoining parcels. Cul-de-sacs are appropriate only when they support greater open space conservation or provide extensive pedestrian linkages. All requirements of the Town of Berne Highway Law shall be met.

5. Draw Lot Lines. Upon completion of the preceding three steps, lot lines are drawn as required to delineate the boundaries of individual residential lots.

E. Site Design Criteria

1. Residential structures in a conservation subdivision should be located according to the following guidelines, which are listed in order of significance (some of which may conflict with each other on a particular site, in which case, the Planning Board may use its discretion to resolve such conflicts):

a. On the least fertile agricultural soils and in a manner which maximizes the usable area remaining for agricultural use;

b. Away from the boundaries of any preserved farm, to reduce conflicting uses in areas where farmers have made long-term commitments to continue to farm;

c. In such a manner that the boundaries between house lots and active farmland are well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential and agricultural uses;

d. To avoid disturbance to the existing environmental, cultural and scenic features;

e. To be as visually inconspicuous as practical when seen from state, county and local roads, and particularly from designated scenic routes;

f. Next to other residences or building lots on adjacent properties;

g. To minimize the perimeter of the built area by encouraging compact development and discouraging strip development along roads;

- h. On suitable soils for subsurface sewage disposal (where applicable);
 - i. Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland to enable new residential development to be visually absorbed by the natural landscape.
2. Open space standards:
- a. The required open space land consists of a combination of Primary Conservation Areas and Secondary Conservation Areas. The proposed subdivision design shall strictly minimize disturbance of these environmentally sensitive areas. The applicant shall also demonstrate that such features will be protected by the proposed subdivision plan. Secondary Conservation Areas shall be included in the required open space area to the greatest extent practical such that protecting these resources will, in the judgment of the Planning Board, achieve the purposes of this section.
 - b. Open space lands shall be laid out in general accordance with the Town's *Comprehensive Plan* or other plans that may exist to better enable an interconnected network of open space and wildlife corridors. Open space lands shall also be laid out in such a manner that preserves ecological systems that may be present on the site including, but not limited to preserving wetlands and their associated upland habitats.
 - c. Active agricultural land with farm buildings may be used to meet the minimum required open space land. Access to open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations. Land used for agricultural purposes shall be buffered from residential uses, either bordering or within the tract, by a setback.
 - d. Open space land shall be contiguous to create a critical mass of land available for agriculture or left in a natural state. Open space lands shall be designated as a conservation lot owned in common or designated and included as part of one or more lots. No individual parcel of common open space shall be less than one (1) acre except as to roadway median strips, traffic islands, walkways, trails, courtyards, play areas, recreation facilities, drainage ways leading directly to streams, historic sites or unique natural features requiring common ownership protection.
 - e. Any house lot over five acres in size may be used for meeting the minimum required open space land provided that there is a permanent restriction enforceable by the Town that states the future use such as undisturbed wildlife habitat, managed field, or managed forest and prevents destruction, inappropriate use, or development of that portion of the open space. Any house lot less than five acres does not qualify as open space.
 - f. The required open space may be used for community septic systems.
 - g. Stormwater management ponds or basins may be included as part of the minimum required open space, as may land within the rights-of-way for underground utilities.

h. Recreation lands such as golf courses, ball fields, parks, pool areas, etc. shall not be considered part of the required open space unless such land is open to the public. Such recreational lands with access only to residents shall not be counted towards the open space requirements, but shall be counted towards any recreation land requirement as per the Town of Berne Subdivision Law.

3. Other Layout Criteria

a. The building area of lots shall not encroach upon Primary Conservation Areas and their layout shall avoid Secondary Conservation Areas to the greatest extent practical.

b. Views of house lots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping.

c. House lots shall generally be accessed from interior streets, rather than from roads bordering the tract. New intersections with existing public roads shall be minimized. Although two access ways into and out of subdivisions containing twenty (20) or more dwellings are generally required for safety, proposals for more than two entrances onto public roads shall be discouraged if they would unnecessarily disrupt traffic flow or unduly impact the environment.

d. Open space shall be directly accessible or viewable from as many home sites as possible.

e. The layout shall leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares. A deep no-build, no-plant buffer is recommended along the road where those views or vistas are prominent or locally significant.

f. The layout shall maintain or create a buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs and ponds.

g. Design around and preserves sites of historic, archeological or cultural value insofar as needed to safeguard the character of the feature.

h. Provide open space that is reasonably contiguous.

i. Protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the New York State Department of Environmental Conservation.

F. Streets and driveways.

1. Common driveway access may be provided. A pedestrian circulation and/or trail system shall be installed sufficient for the needs of residents, unless waived by the Planning Board.

2. Conservation subdivision streets shall meet the Town Highway Specifications. Where appropriate, the Planning Board shall work with the Highway Department to ensure that the Town of Berne Highway Specifications, normally applicable to conventional subdivisions, do not impact or detract from the rural and environmental character of a conservation subdivision.
3. From an aesthetic and speed control perspective, curving roads are preferred in an informal rural cluster to avoid long straight segments. Shorter straight segments connected by 90 degree and 135 degree bends are preferred in a more formal or traditional arrangement.
4. Whenever appropriate, street systems should produce terminal vistas of open space in accordance with the conservation emphasis of the subdivision design and to positively contribute to the Town's open space goals.
5. The use of reverse curves should be considered for local access streets in cluster subdivisions in conjunction with long horizontal curve radii (at least 250 feet) and where traffic speeds will not exceed 30 mph.
6. Single-loaded streets are encouraged alongside conservation areas to provide views of the conservation lands for residents and visitors.

Landscape common areas and both sides of new streets with native species of shade trees.

G. Permanent protection of open space.

1. All required open space shall be restricted from further subdivision through one of the following:
 - a. A conservation easement, in a form acceptable to the Town and recorded at the County Clerk's Office.
 - b. A declaration of covenants or deed restriction, in a form acceptable to the Town and recorded in the County Clerk's Office where a conservation easement has been shown not to be practicable.
2. Open space land may be held in any form of ownership that protects its conservation values such as where the open space is owned in common by a homeowner's association (HOA). Open space may also be dedicated to the Town, County or State governments, transferred to a non-profit organization, or held in private ownership. The applicant shall provide proof that the receiving body agrees to accept the dedication. Any development permitted in connection with the setting aside of open space land shall not compromise the conservation or agricultural value of such open space land.

a. If the open space is to be owned by an HOA, the HOA must be incorporated before the final subdivision plat is signed. The applicant shall provide the Town with a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities.

b. The open space restrictions must be in perpetuity.

c. If land is held in common ownership by a homeowners association, such ownership shall be arranged in a manner that real property tax claims may be satisfied against the open space lands by proceeding against individual owners and the residences they own. The HOA must be responsible for liability insurance, local taxes and the maintenance of the conserved land areas. The HOA shall have the power to adjust assessments to meet changing needs.

d. The Planning Board shall find that the HOA documents satisfy the conditions above.

e. Membership in the HOA must be mandatory for each property owner within the subdivision and for any successive property owners in title.

f. The proposed association shall be established by the owner or applicant and shall be operating before the sale of any dwelling units in the development.

g. The association shall be responsible for liability insurance, local taxes and maintenance of open space land, recreational facilities and other commonly held facilities.

h. The association shall have adequate resources to administer, maintain, and operate such common facilities.

3. The conservation easement, declaration of covenants or deed restriction shall permanently restrict development of the open space and shall specify the use of such space only for agriculture, forestry, recreation or similar purposes. The Planning Board shall approve the form and content of any easement, declaration, or restriction. The restriction shall be made a condition of the final plat approval. A conservation easement will be acceptable if:

a. The conservation organization is acceptable to the Town and is a *bona fide* conservation organization as defined in Article 49 of the New York State Environmental Conservation Law.

b. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the conservation organization becomes unwilling or unable to continue carrying out its functions.

c. A maintenance agreement acceptable to the Town is established between the owner and the conservation organization to insure perpetual maintenance of the open space.

d. The conservation easement or other legally binding instrument shall permanently restrict the open space from future subdivision, shall define the range of permitted activities, and, if held by a conservation organization, shall give the Town the ability to enforce these restrictions.

H. Maintenance Standards.

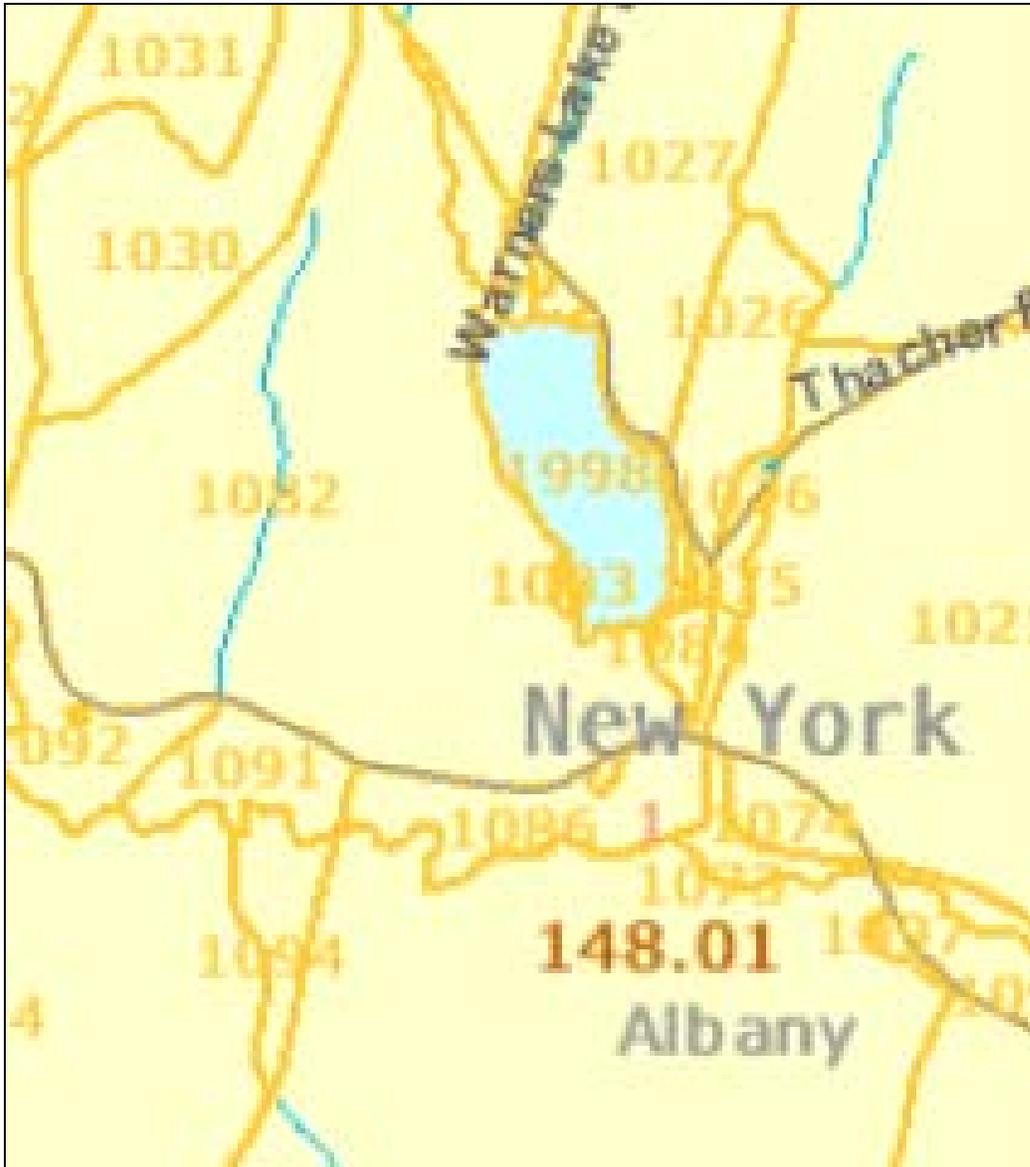
1. The owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space.

2. Failure to adequately maintain any improvements located on the undivided open space in reasonable condition is a violation of the zoning law. Upon appropriate authority or process, the Town may enter the premises for necessary maintenance/restoration, and the cost of such maintenance by the Town shall be assessed ratably against the landowner or in the case of an HOA, the owners of properties within the development, and shall, if unpaid, become a tax lien on such property.

I. Sewage treatment systems.

Sanitary sewage disposal systems of either an individual or community nature may be located within or extend into required open space areas, provided that subsurface sewage disposal methods are employed, all required separation distances are observed and the ownership and maintenance responsibilities associated therewith are clearly defined in agreements submitted for approval as part of the subdivision application. No application shall be approved that does not provide lot buyers with both the legal authority and the responsibility, individually or collectively, to maintain all sewer facilities on a continuing basis. This may include the creation of a special district under Articles 12 and 12-a of New York State Town Law.

Appendix C: Berne Census Blocks used in Analysis



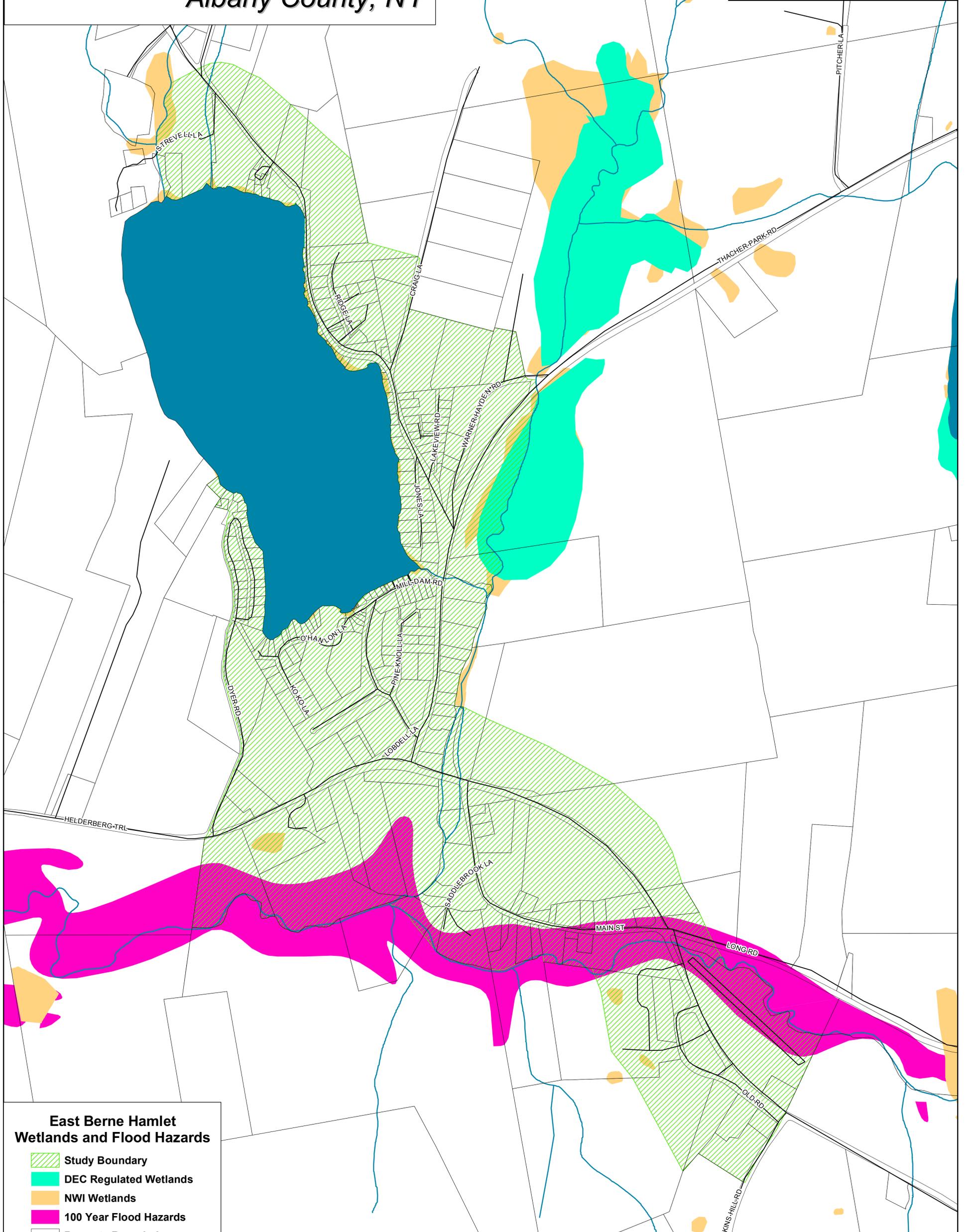
Appendix D: Maps

The following maps are included in this appendix:

- (Map 1) Wetlands and Flood Hazards
- (Map 2) Property Class
- (Map 3) Property Class, Non-residential Parcels
- (Map 4) Topography
- (Map 5) Steep Slopes
- (Map 6) Year Built
- (Map 7) Existing Zoning Districts
- (Map 8) State-Funded Snowmobile Trails
- (Map 9) Property Values of Improved Lots
- (Map 10) Property Values of Unimproved Lots
- (Map 11) Warner's Lake Watershed
- (Map 12) Proposed Zoning Districts
- (Map 13) Proposed Trails and Linkages (Hamlet Study Area)
- (Map 14) Proposed Trails and Linkages (Regional View)

Town of Berne Hamlet of East Berne Albany County, NY


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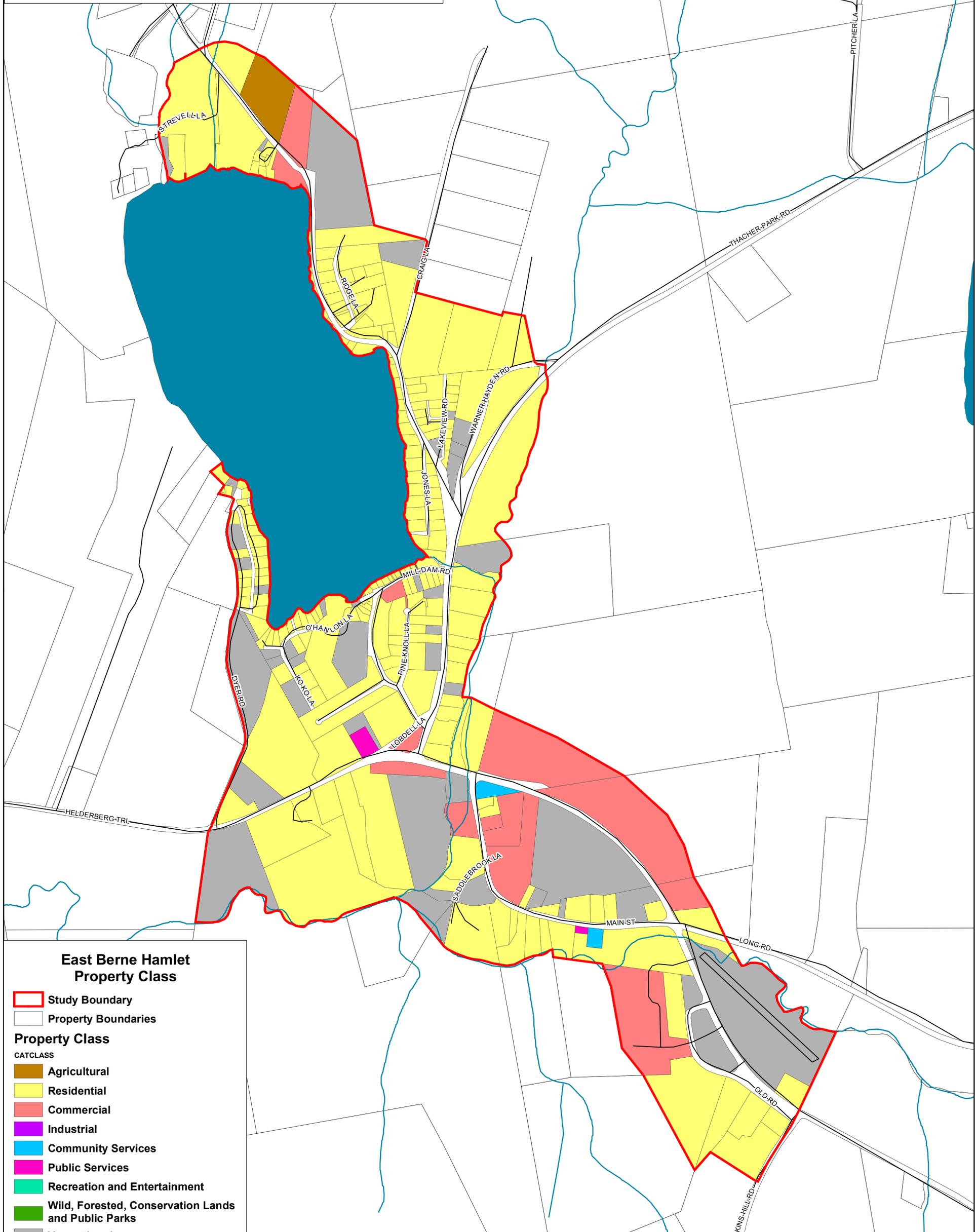
**East Berne Hamlet
Wetlands and Flood Hazards**

-  Study Boundary
-  DEC Regulated Wetlands
-  NWI Wetlands
-  100 Year Flood Hazards
-  Property Boundaries
-  Water
-  Streams
- Roads**
-  Roads



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**East Berne Hamlet
Property Class**

-  Study Boundary
-  Property Boundaries

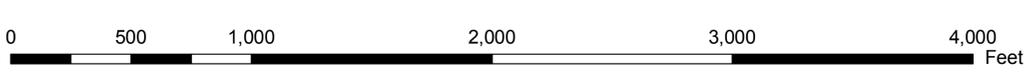
Property Class

CATCLASS

-  Agricultural
-  Residential
-  Commercial
-  Industrial
-  Community Services
-  Public Services
-  Recreation and Entertainment
-  Wild, Forested, Conservation Lands and Public Parks
-  Vacant Land
-  Water
-  Streams

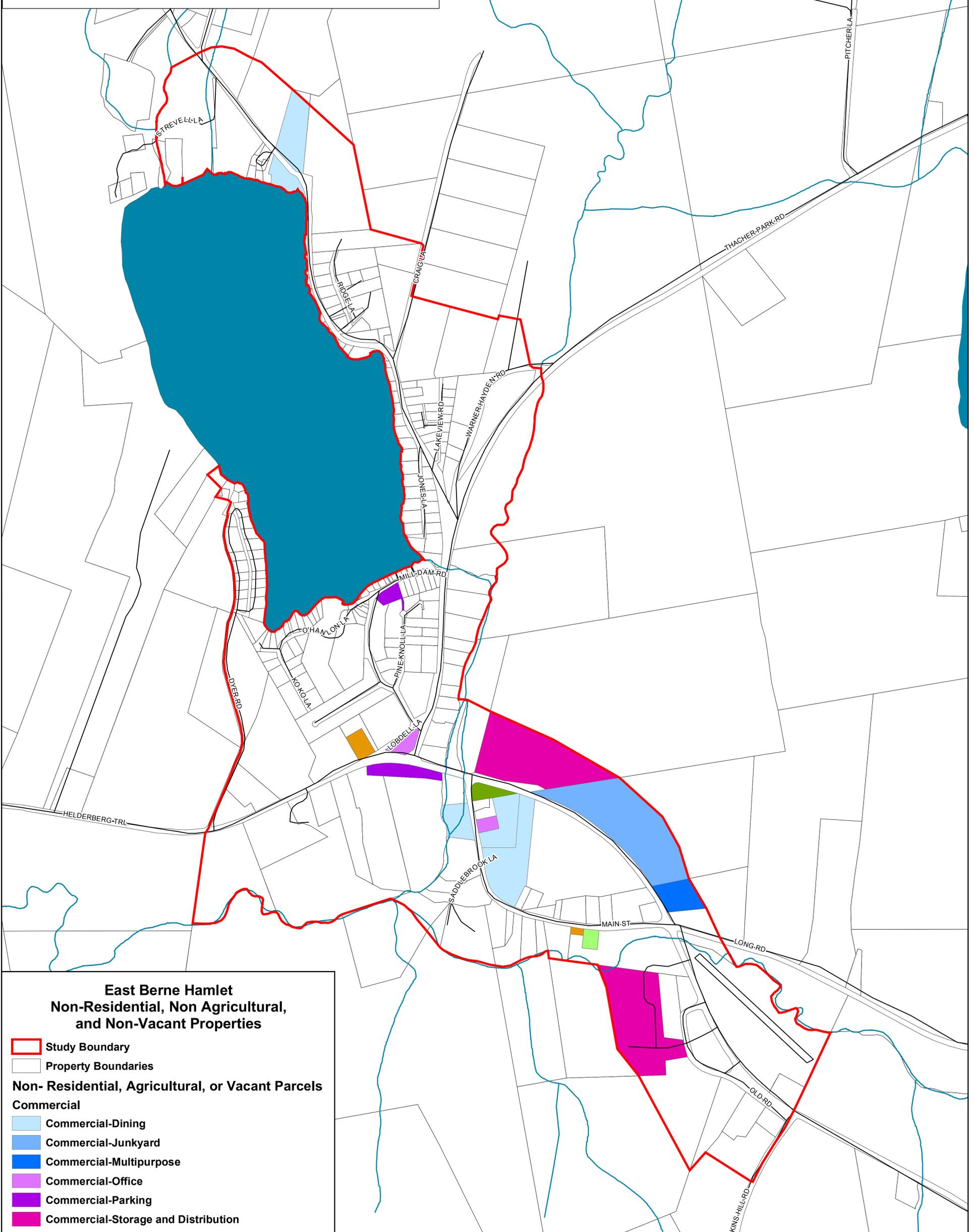
Roads

-  Roads



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**East Berne Hamlet
Non-Residential, Non Agricultural,
and Non-Vacant Properties**

-  Study Boundary
-  Property Boundaries

Non- Residential, Agricultural, or Vacant Parcels

Commercial

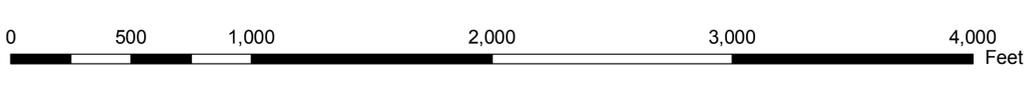
-  Commercial-Dining
-  Commercial-Junkyard
-  Commercial-Multipurpose
-  Commercial-Office
-  Commercial-Parking
-  Commercial-Storage and Distribution

Community Services

-  Community Services-Protection
-  Community Services-Religious

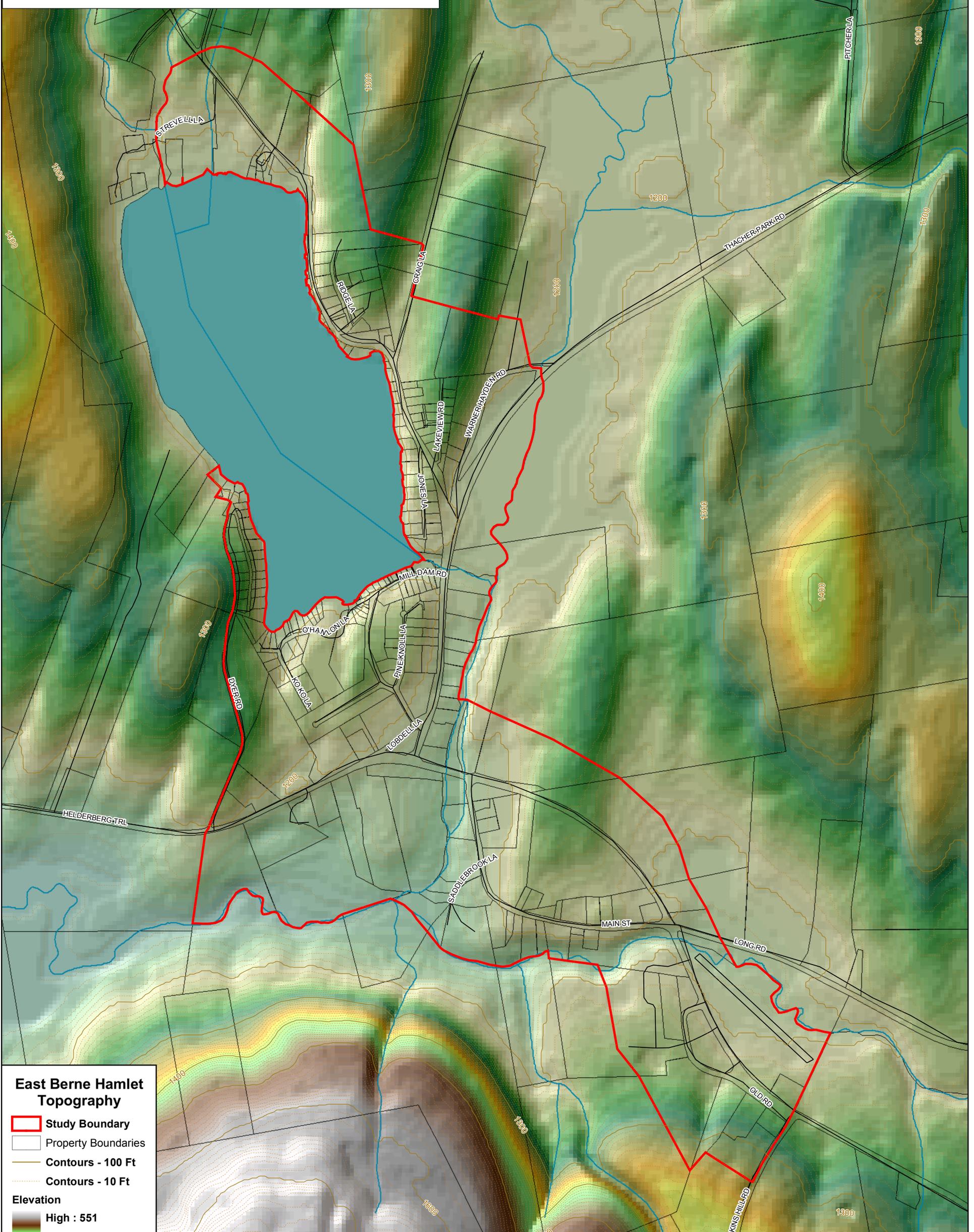
Public Services

-  Public Services-Communication



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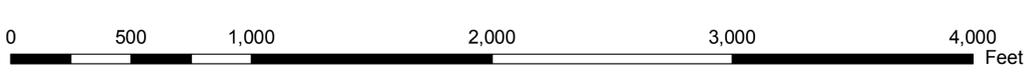


**East Berne Hamlet
Topography**

-  Study Boundary
-  Property Boundaries
-  Contours - 100 Ft
-  Contours - 10 Ft

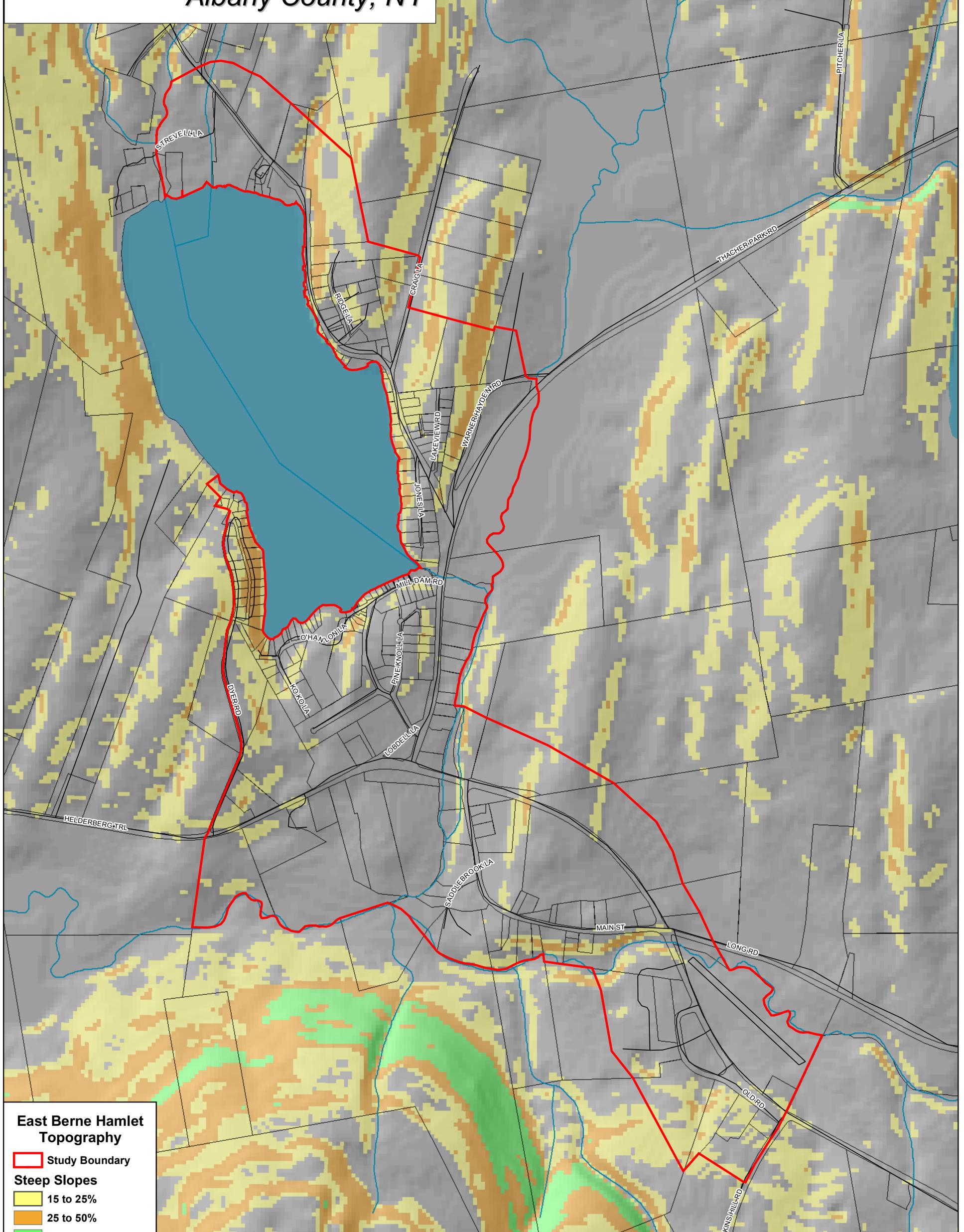
Elevation

-  High : 551
-  Low : 344
-  Water
-  Streams
-  Roads



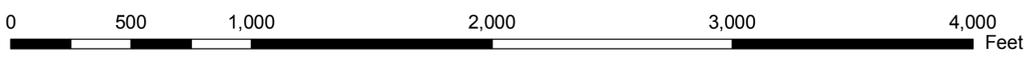
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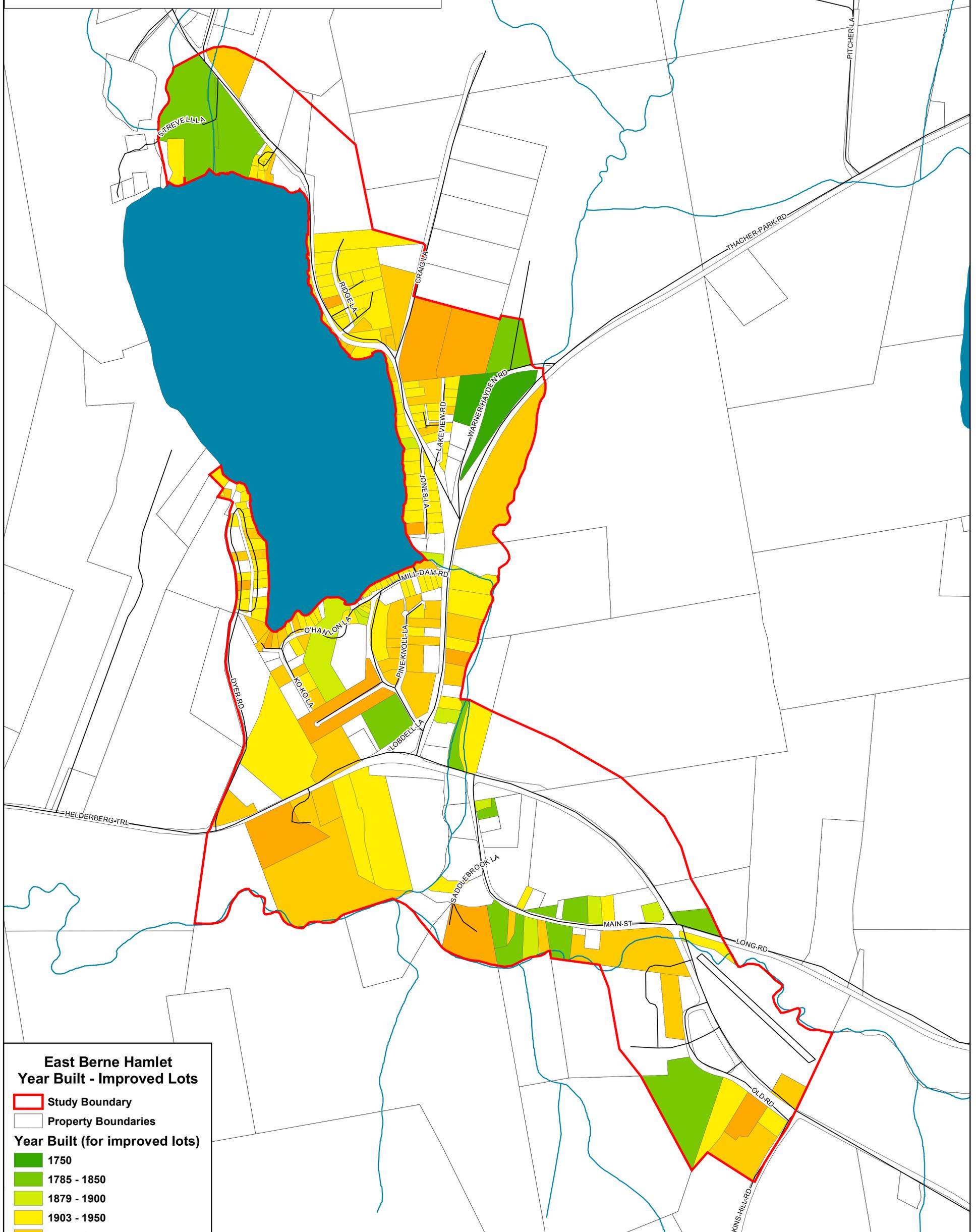
**East Berne Hamlet
Topography**

-  Study Boundary
- Steep Slopes**
-  15 to 25%
-  25 to 50%
-  over 50%
-  Property Boundaries
-  Water
-  Streams
-  Roads



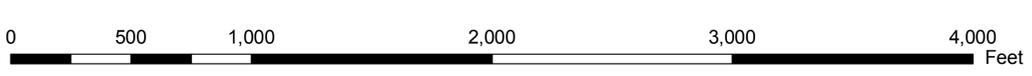
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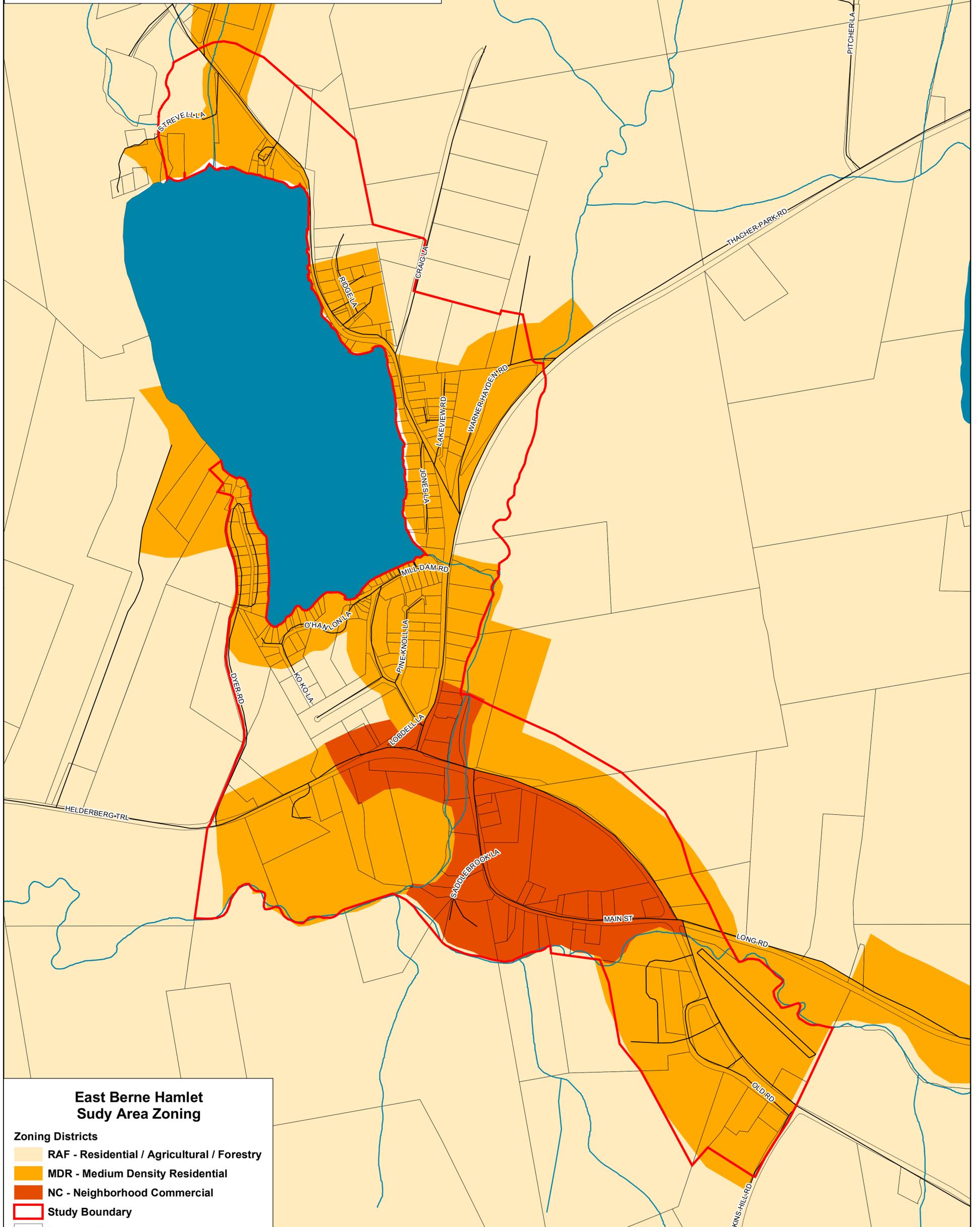
**East Berne Hamlet
Year Built - Improved Lots**

- Study Boundary
- Property Boundaries
- Year Built (for improved lots)**
- 1750
- 1785 - 1850
- 1879 - 1900
- 1903 - 1950
- 1951 - 1975
- 1980 - 2003
- Water
- Streams
- Roads



Town of Berne Hamlet of East Berne Albany County, NY

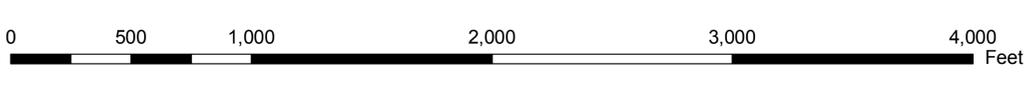
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East Berne Hamlet Study Area Zoning

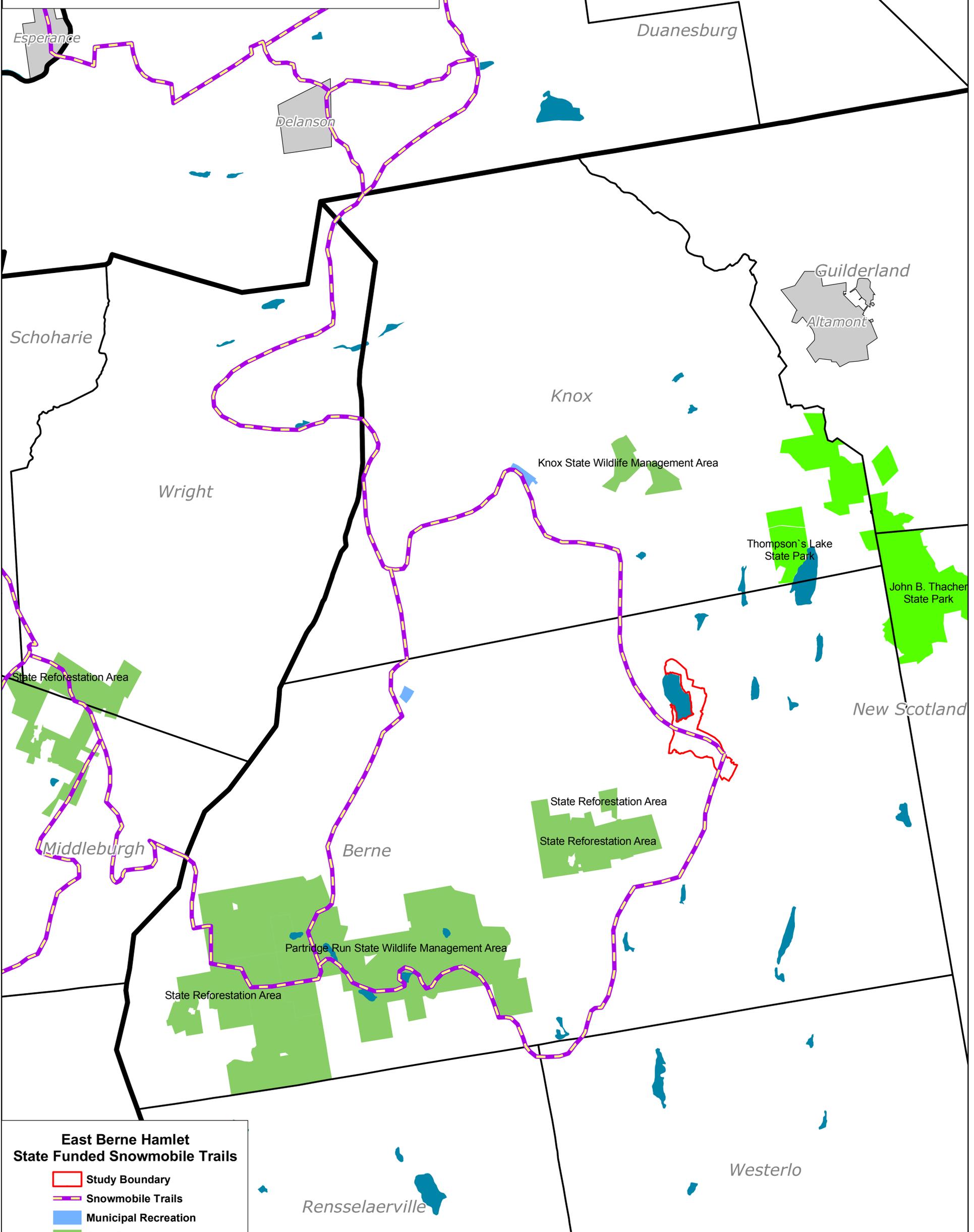
Zoning Districts

- RAF - Residential / Agricultural / Forestry
- MDR - Medium Density Residential
- NC - Neighborhood Commercial
- Study Boundary
- Property Boundaries
- Water
- Streams
- Roads



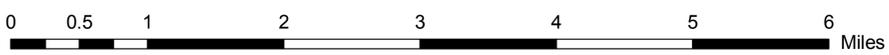
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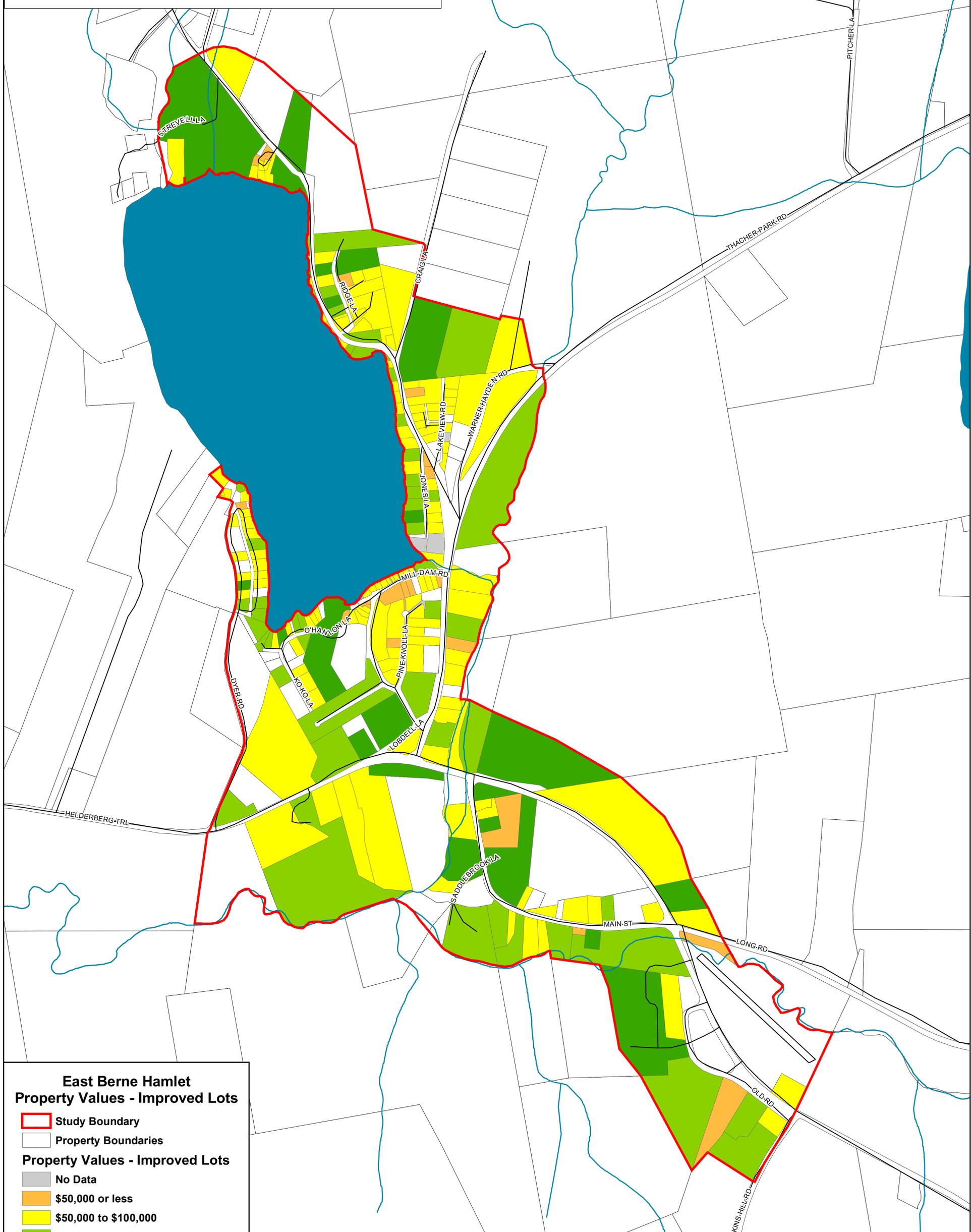
**East Berne Hamlet
State Funded Snowmobile Trails**

-  Study Boundary
-  Snowmobile Trails
-  Municipal Recreation
-  State Recreation
-  County Boundaries
-  Town Boundaries
-  Village
-  Water



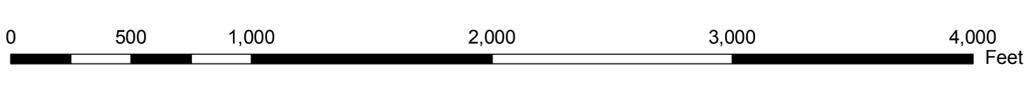
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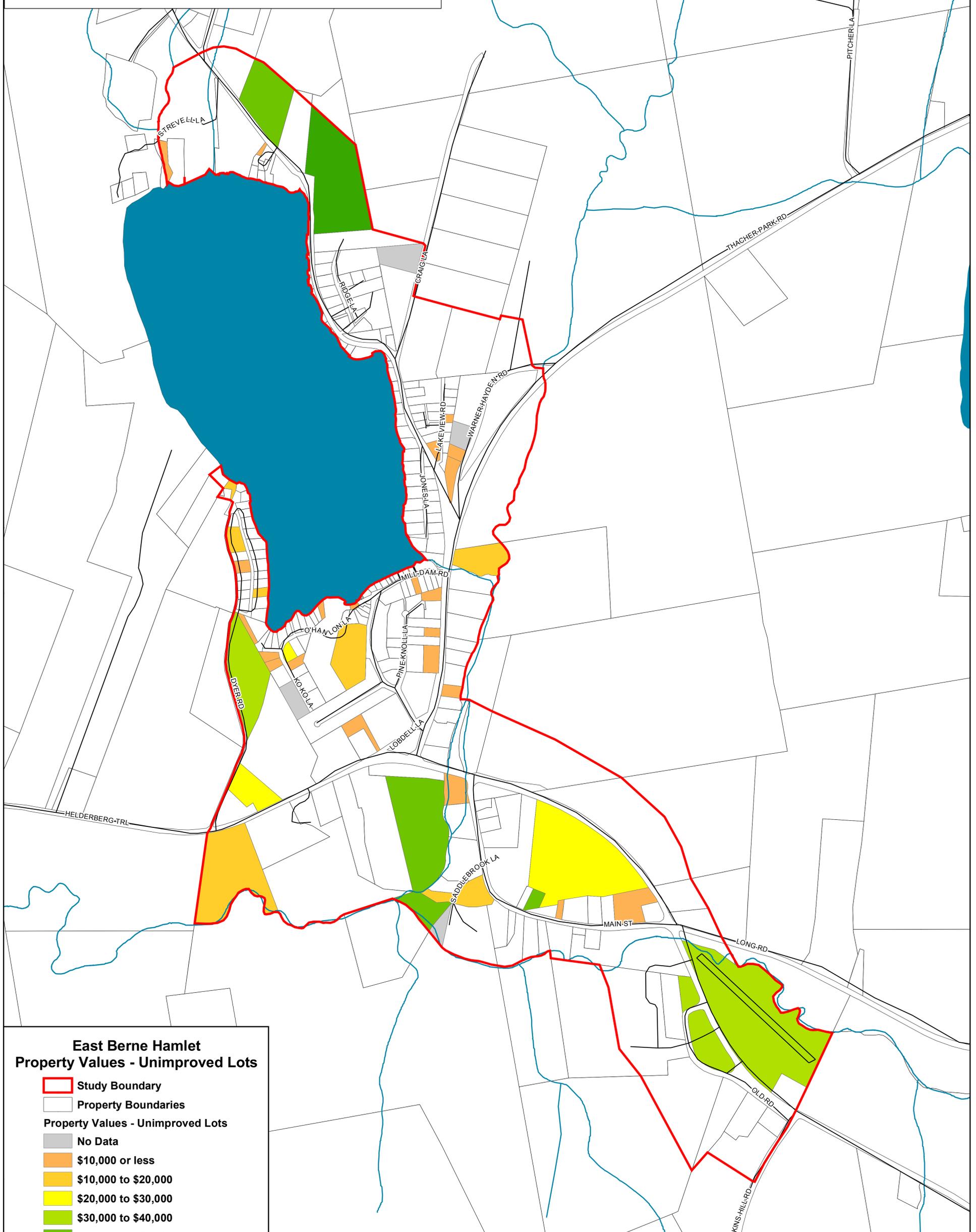
**East Berne Hamlet
Property Values - Improved Lots**

-  Study Boundary
-  Property Boundaries
- Property Values - Improved Lots**
-  No Data
-  \$50,000 or less
-  \$50,000 to \$100,000
-  \$100,000 to \$150,000
-  \$150,000 to \$385,000
-  Water
-  Streams
-  Roads



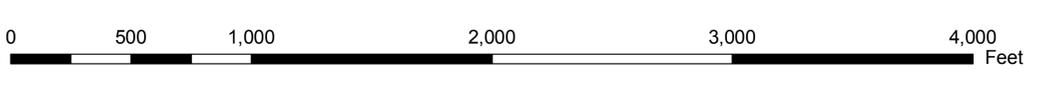
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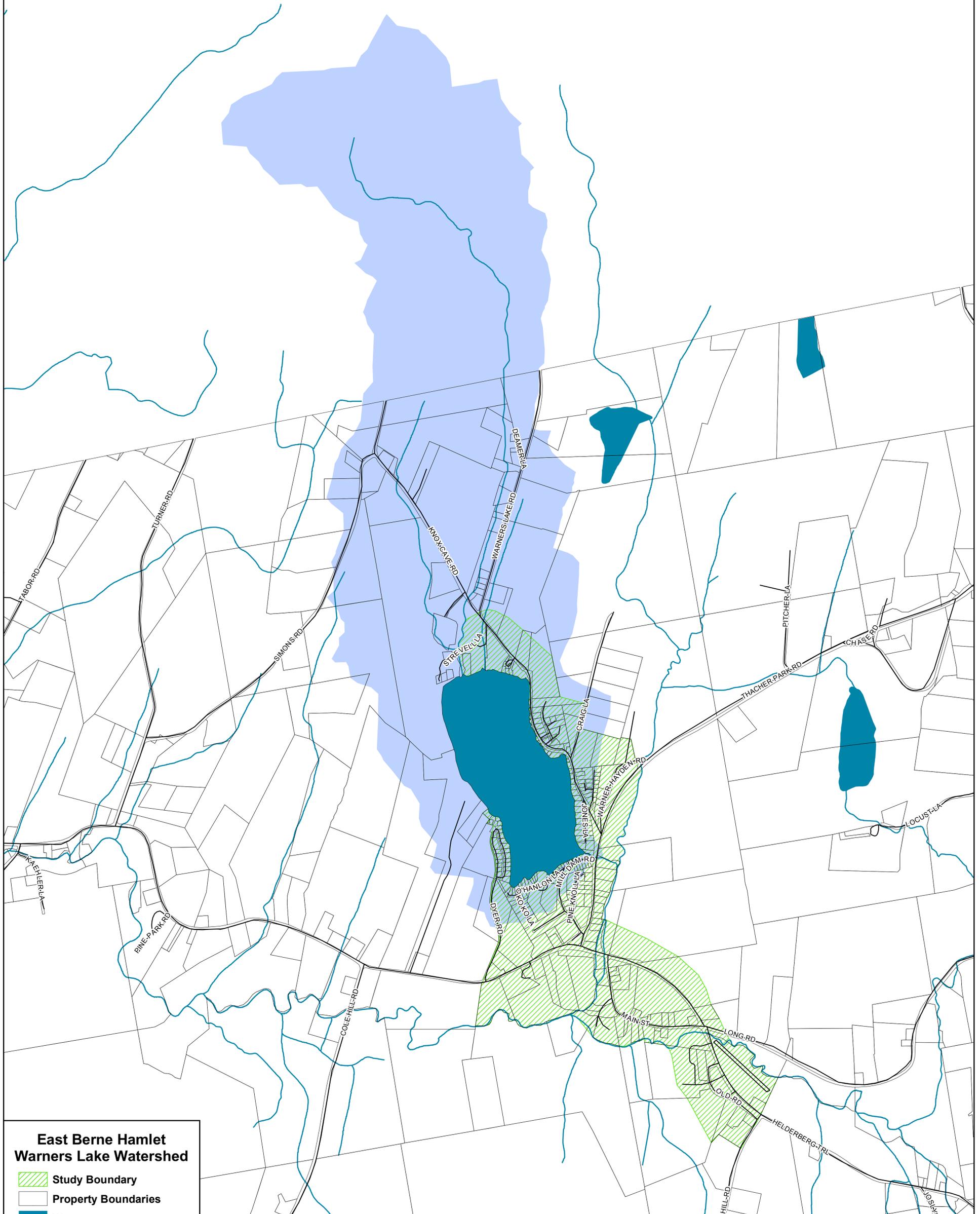
**East Berne Hamlet
Property Values - Unimproved Lots**

- Study Boundary
- Property Boundaries
- Property Values - Unimproved Lots**
- No Data
- \$10,000 or less
- \$10,000 to \$20,000
- \$20,000 to \$30,000
- \$30,000 to \$40,000
- \$40,000 to \$50,000
- \$50,000 to \$60,000
- Water
- Streams
- Roads



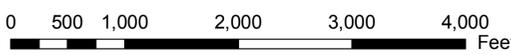
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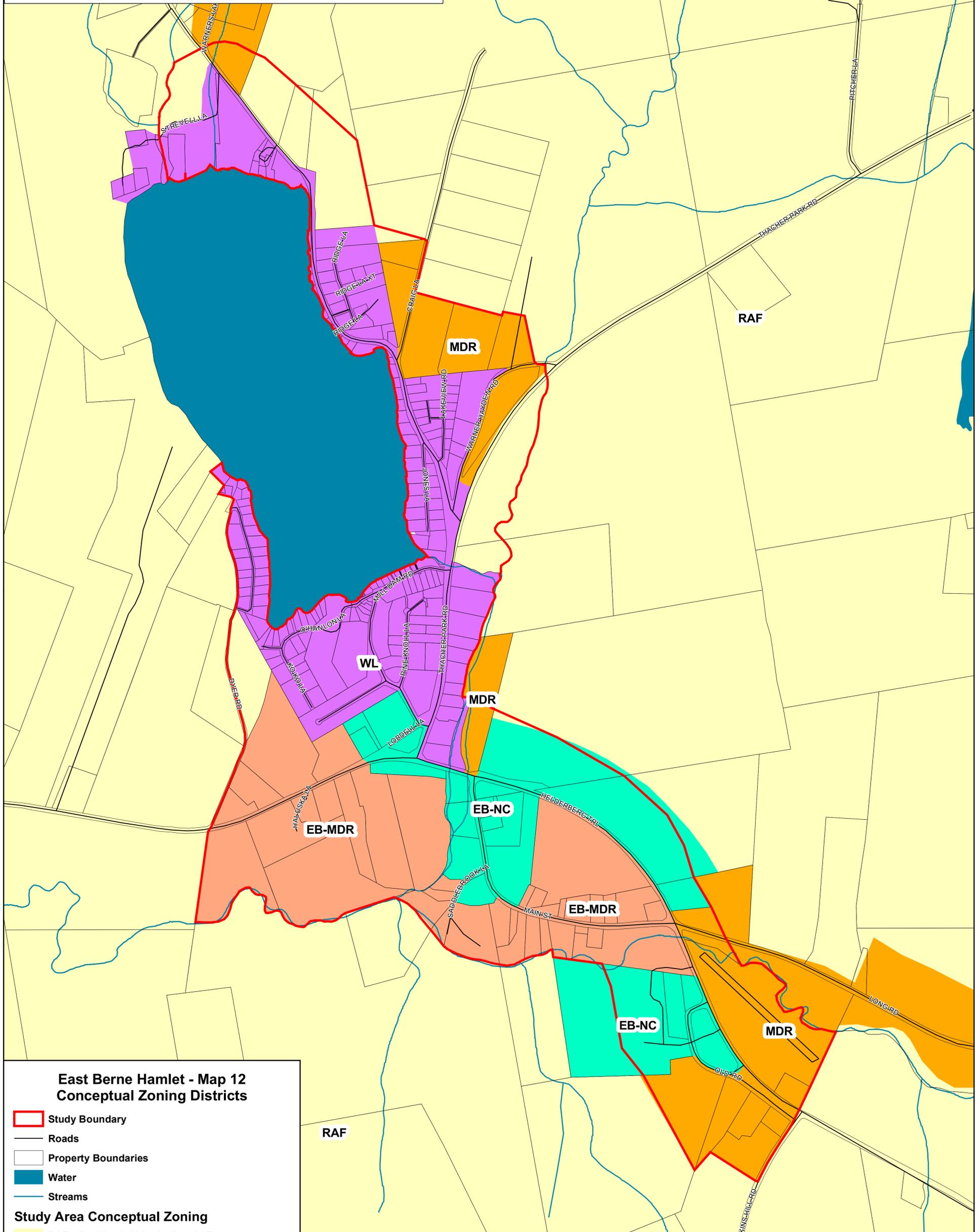
**East Berne Hamlet
Warners Lake Watershed**

-  Study Boundary
-  Property Boundaries
-  Water
-  Streams
- Roads**
-  Roads
-  Warners Lake Watershed



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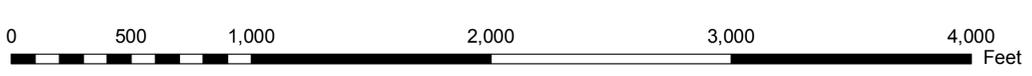


**East Berne Hamlet - Map 12
Conceptual Zoning Districts**

- Study Boundary
- Roads
- Property Boundaries
- Water
- Streams

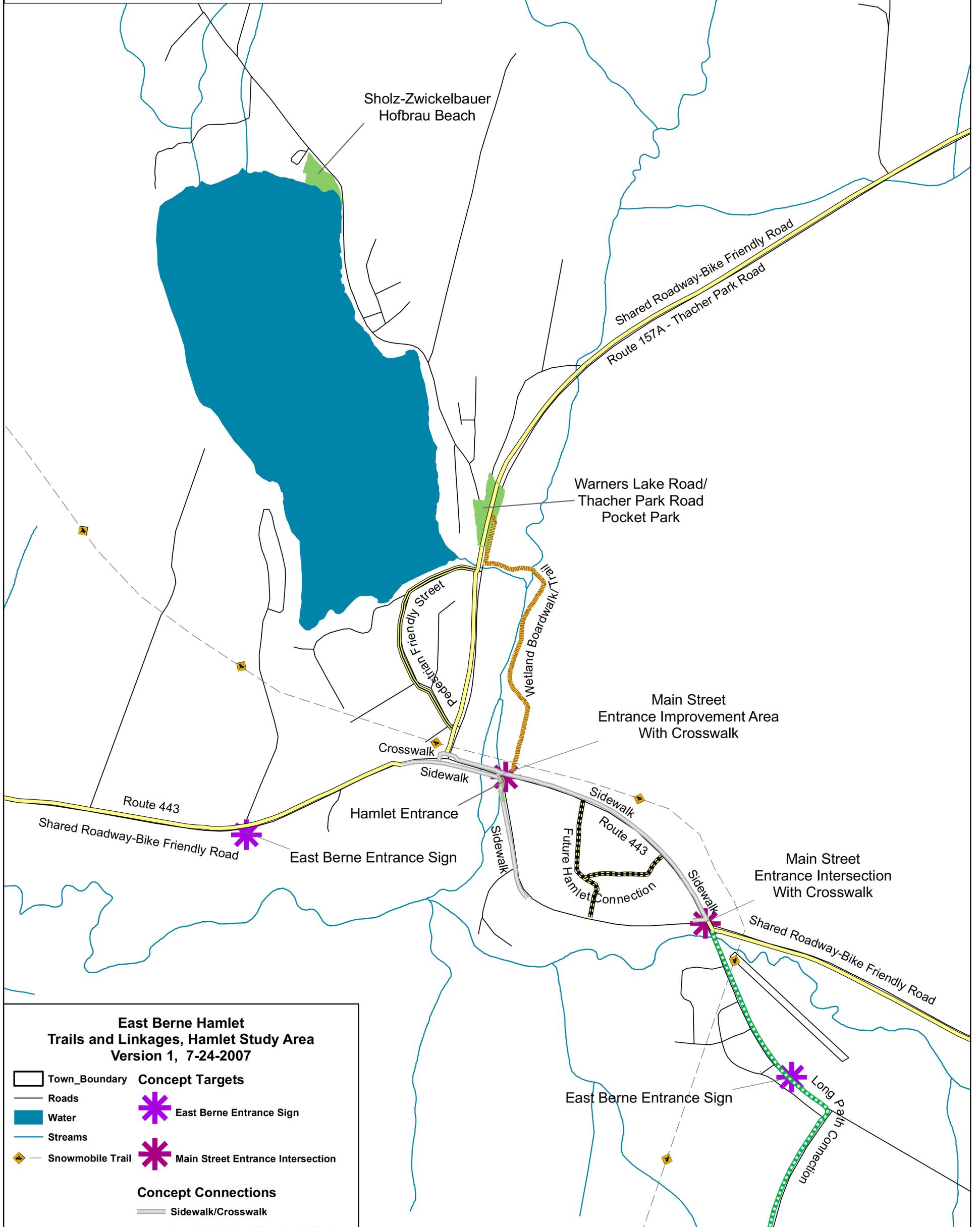
Study Area Conceptual Zoning

- RAF - Residential / Agricultural / Forest
- MDR - Medium Density Residential
- EB-MDR - East Berne Medium Density Residential
- EB-NC - East Berne Neighborhood Commercial
- WL - Warner's Lake



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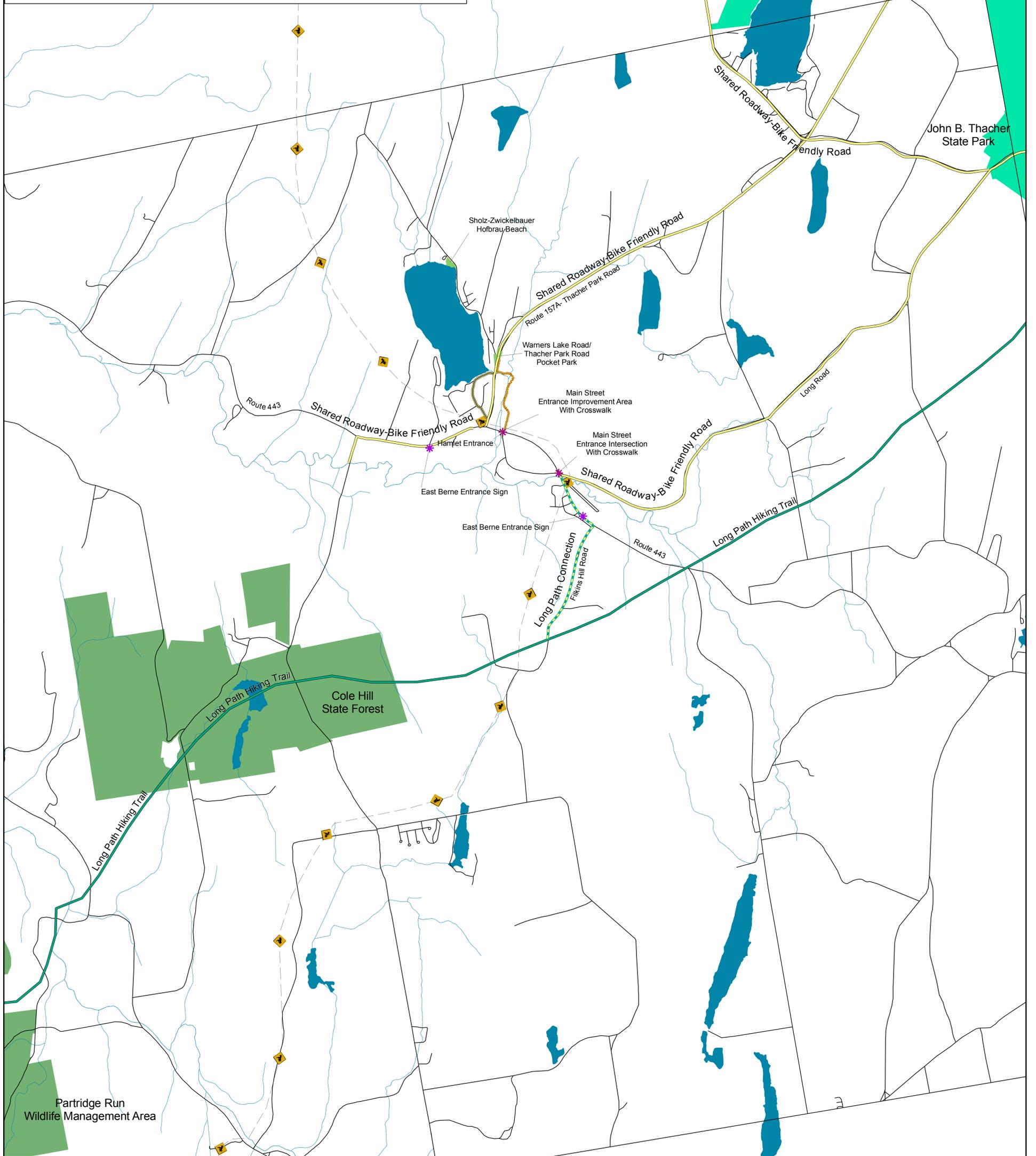
**East Berne Hamlet
Trails and Linkages, Hamlet Study Area
Version 1, 7-24-2007**

	Town_Boundary	Concept Targets
	Roads	
	Water	
	Streams	
	Snowmobile Trail	
Concept Connections		
	Sidewalk/Crosswalk	
	Possible Wetland Boardwalk/Trail	
	Pedestrian Friendly Street	
	Shared Roadway-Bike Friendly Road	
	Future Hamlet Connection	
	Long Path Connection	



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East Berne Hamlet Trails and Linkages, Regional View Version 1, 7-24-2007

- | | | |
|--|-------------------|-----------------------------------|
| | Town_Boundary | Concept Targets |
| | Roads | East Berne Entrance Sign |
| | Water | Main Street Entrance Intersection |
| | Streams | Concept Connections |
| | Snowmobile Trail | Possible Wetland Boardwalk/Trail |
| | State Parks | Pedestrian Friendly Street |
| | DEC Lands | Shared Roadway-Bike Friendly Road |
| | Trail - Long Path | Long Path Connection |

