

TIMBER HARVESTING LOCAL LAW - DRAFT

Section 1 – Legislative Purpose

The purpose of this chapter is the regulation of logging operations in order to protect and preserve the environment, to preserve the rights of residents living near logging operations and to protect the interests of the taxpayers of the Town of Saratoga and the County of Saratoga. Trees are a natural resource and an integral part of the natural landscape of the town. Trees provide soil erosion control, surface water flow barriers and scenic beauty. Selective timber harvesting ensures the continued health and viability of a forest area and its related ecosystems. The removal or harvest of trees is therefore of prime concern to the people of the Town of Saratoga and shall not be permitted, except as provided herein.

Section 2 - Definitions

As used in this chapter, the following term shall have the meaning:

Timber Harvesting

The cutting of trees six inches or more in diameter at breast height at a rate of more than 12 trees on a parcel of land one acre or larger. This shall not include the cutting of dead or diseased trees; trees creating a dangerous condition, the cutting of trees necessary for construction activities as approved by the Building Inspector or Planning Board, or the cutting of trees by the landowner for personal use, unless otherwise prohibited. Timber harvesting on lands of a bona fide farm operation shall be exempt from these regulations.

Section 3 - Permits

Permit procedure – Lake Area Zoning Districts

- A. Before any timber harvesting may begin in the Lake Residential, Lake Commercial or Rural District 2 zoning districts, the property owner shall apply for a special use permit from the Planning Board as set forth below. The fee for such application shall be set by resolution of the Town Board. Before the issuance of a permit, the applicant shall show proof that the logger has liability insurance in the amount of \$500,000/\$1,000,000, property damage insurance in the amount of \$100,000, both in favor of the town and the landowner, and workers' compensation insurance.
- B. The area to be logged shall first be reviewed by a consulting forester or state forester to be retained by the applicant to advise the applicant, in writing, concerning the proposed operation. Said report is to be submitted to the Planning Board.
- C. The application for a special use permit for timbering shall include, as a minimum, the following:
 - (1) The name and address of the owner of the property to be harvested.
 - (2) The name and address of the logger.
 - (3) The total land area involved in logging operations.
 - (4) The approximate number of trees to be cut and remaining basal area after harvesting.
 - (5) The range, in inches, of diameter measured at the standard breast height (4 1/2 feet above ground) of the trees to be cut.

- (6) A plan for restoration of the property and the access driveway to the road.
 - (7) A sketch map to show:
 - (a) The location and boundaries of the property.
 - (b) DEC classified streams and wetlands.
 - (c) Approximate acreage of forest affected by the harvesting activities and the approximate acreage of wetlands and buffer zones.
 - (d) Linear feet of streams affected by any stream crossings.
 - (e) The names and addresses of the owners of adjacent properties.
 - (f) The access roads into the property and proposed vehicle routes.
 - (g) The area within the property where the logging operation will be conducted.
 - (h) The location of the product loading areas.
 - (8) A statement from the landowner that each tree to be removed has been designated by the forester, with paint or other distinctive means, at two points so as to be readily visible by the logger. One point shall be low enough on the tree so as to be visible on the stump after the tree is removed.
 - (9) Copies of any permits from the New York State Department of Environmental Conservation or other agencies.
 - (10) An indication of the method to be used in harvesting and debris disposal.
 - (11) The Planning Board shall have the right for good cause to waive any of the requirements, except the requirement to notify adjacent property owners, and to add any additional conditions, including restoration of damaged roads, deemed necessary to protect the health, welfare and safety of the residents of the Town.
 - (12) To ensure compliance by the permittee with the requirements set forth in this law, a security in the form of a cash bond, letter of credit or client fund account may be required, the amount of which is to be determined by the Planning Board. Said security shall be released only upon the recommendation and site inspection reports filed by the Building Inspector and the Town Highway Superintendent.
- D). All timbering applications must be complete as provided in Section C above. In reviewing the application, the Planning Board shall follow the procedures for granting special use permits as set forth in Article VIII the Town Code, including SEQRA determination, notice and public hearing. The Board shall apply all relevant sections of the Town of Saratoga Code, and all relevant regulations of NYSDEC involving streams, wetlands, and protected species. The proposed operation shall not adversely affect storm water drainage, growth of vegetation, or soil erosion of adjacent properties.

Permit Procedure – Other Zoning Districts

- E). Timber harvesting in all other zoning districts of the Town shall require an application to and approval by the Code Enforcement Officer (CEO), in accordance with the requirements of Section C above. The fee for such application shall be set by resolution of the Town Board. The CEO shall have the right for good cause to waive any of the requirements, except the requirement to notify adjacent property owners, and to add any additional conditions, including restoration of damaged roads, deemed necessary to protect the health, welfare and safety of the residents of the Town. In considering such application the CEO shall apply all

relevant sections of the Town of Saratoga Code, and all relevant regulations of NYSDEC involving streams, wetlands, and protected species. The proposed operation shall not adversely affect storm water drainage, growth of vegetation, or soil erosion of adjacent properties.

Section 4 - Standards for Timber Harvesting.

- A. Trees falling on adjacent properties as a result of a logging operation shall immediately be returned to the permittee's property who shall be responsible for any restoration.
- B. Loading areas, which must be located in the same zone as the operation, shall be smoothed to remove all ruts and debris. Waste materials shall be buried or removed to a point out of sight of any road or adjacent property. A fifty-foot buffer zone shall be required between any logging area or landing site and any public road or adjacent property.
- C. No logging operations or removal of products shall take place between the hours of 7:00 p.m. and 8:00 a.m. or any time on Sunday or legal holidays.
- D. The Building Inspector shall have the authority to order the suspension of logging operations if, in his opinion, conditions created by the spring thaw, adverse weather or any other cause make soil erosion likely.
- E. The Town Highway Superintendent shall have the authority to:
 - (1) Order the suspension of logging operations if, in his opinion, conditions created by the spring thaw, adverse weather or any other cause make damage to public roads likely.
 - (2) Restrict the weight of logging trucks in accordance with the capabilities or condition of roads, bridges and culverts.
 - (3) Require the repair of roads, bridges and culverts damaged as a result of a logging operation.
- F. All streams shall be crossed in accordance with the provisions of New York State Environmental Conservation Law, Article 15, and all other applicable state and federal laws.
- G. There shall be no skidding in any stream channel except at approved stream crossings.
- H. Haul and skid trails shall be maintained and abandoned in a manner that will prevent erosion.
- I. The logger shall clean up any debris or deposits of any kind on public thoroughfares and shall repair or pay the cost of repair of any damage done to streets, curbs, utility lines and any other property resulting from the harvesting operation.
- J. The Building Inspector may require that, prior to completion of the operation, a report be filed with his office by the forester indicating what measures have been taken in order to restore the property.
- K. The term of this permit shall be for one year. However, since the operation may be adversely affected or delayed by unusual circumstances of weather or other occurrences, a one-year extension, after payment of renewal fee equal to the initial permit fee, may be granted by the Building Inspector. Any additional extensions shall require application to the Planning Board.

Section 5 – Penalties

Any person, firm or corporation who or which violates this law shall be guilty of a misdemeanor, and upon conviction may be penalized by a fine of not less than \$2,000.00, nor more than \$25,000.00, or alternatively, a higher amount not exceeding double any gain realized from the commission of the violation, or by a term of imprisonment not to exceed one year, or both. In addition, the Town Board may also maintain an action in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction such violation, to compel arboreal restoration of the affected forested land, and to impose a civil penalty in an amount equal to \$2,000.00 for each tree removed.

Section 6 – Effective Date.

This local law shall take effect immediately.