

Topic: Timber Harvesting
Resource Type: Regulations
State: New York
Jurisdiction Type: Municipal
Municipality: Town of Clifton Park
Year (adopted, written, etc.): 1996
Community Type - applicable to: Suburban; Rural
Title: Town of Clifton Park Selective Cutting of Timber Ordinance
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Abstract

Chapter 184 of the Town Code for the Town Clifton Park regulates the cutting of trees six inches or more in diameter at breast height. In order to cut such trees, the law requires loggers to apply for a permit in accord with the permit procedure enumerated in § 184-3 of the ordinance. The ordinance charges the Building Inspector with the enforcement of the ordinance and the ordinance also sets for the penalties for noncompliance.

Resource

Town of Clifton Park NY Timber Selective Cutting of Code of the Town of Clifton Park NY Chapter 184: Timber, Selective Cutting of HISTORY: Adopted by the Town Board of the Town of Clifton Park 9-16-1996 by L.L. No. 7-1996. Amendments noted where applicable.]

§ 184-1. 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 Clifton Park 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 Clifton Park and shall not be permitted, except as provided herein.

§ 184-2. Definitions.

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

TIMBERING — The cutting of trees six inches or more in diameter at breast height at a rate of more than 12 trees per acre. 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 cutting of trees by the landowner for personal use, unless otherwise prohibited. Cutting as defined herein cannot result in less than 30 square feet per acre of remaining basal area.

§ 184-3. Permit procedure.

- A. Before any timbering operation may begin, the property owner shall obtain a special use permit from the Planning Board following the procedure contained in § 208-79, Article XIV of Chapter 208 of this Code. If the special use permit is granted, the Town Highway Superintendent shall be notified by the applicant so he can determine whether or not a driveway-opening permit will be required for the particular operation. 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. This section shall not apply to:
 - (1) Work performed on subdivision roads approved by the Planning Board; or

 - (2) Individual lots in which the maximum area affected by the logging operation is less than one acre in R-1 through R-3 Districts. However, the Town Highway Superintendent shall be notified by the applicant before any logging operation begins in any district so that he may determine whether or not a driveway-opening permit will be required for the particular operation.

- C. 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.

- D. 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.
- E. Upon obtaining a special use permit and prior to harvesting timber, the applicant shall obtain a timber harvesting permit from the Department of Building and Development at a fee as set in § 103-16 of the Code of the Town of Clifton Park. **[Added 12-16-1996 by**

L.L. No. 14-1996]

§ 184-4. Application review procedures.

- A. The Planning Board shall review the application in accordance with the provisions of Article XIV, Exceptions and Special Provisions, of Chapter 208 of the Town Code.
- B. The application shall be submitted by the Planning Board to the Environmental Conservation Commission.
- C. When a special use permit is issued by the Planning Board, both the landowner and the logger shall be jointly and severally liable for compliance with each and every aspect of this chapter, notwithstanding any agreement to the contrary between the landowner and the logger.

§ 184-5. Standards for 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.
 - L. The Planning Board shall have the right 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 of Clifton Park.
 - M. To ensure compliance by the permittee with the requirements set forth in this section, a security in the form of a cash bond, letter of credit or client fund account shall be submitted, 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.
 - N. Any logging operation in existence at the time of the enactment of this chapter may continue without interruption, provided that application be made within 30 days of said enactment for a special use permit under the provisions of this chapter and that

such permit be granted by the Planning Board.

§ 184-6. Enforcement.

The provisions of this chapter shall be enforced by the Building Inspector.

§ 184-7. Penalties for offenses. [Amended 5-2-2005 by L.L. No. 4-2005]

Each violation of any of the provisions of this chapter, or each failure to comply with any condition of a permit issued hereunder, shall, upon conviction, be punishable by a fine not to exceed \$2,000, or by a term of imprisonment not to exceed 30 days, or by both such fine and imprisonment. Each day during which such violation or failure exists or continues shall constitute a separate and distinct offense.