

11-01-06

TOWN OF DAY

PROPOSED LOCAL LAW RELATING TO TREE CUTTING

A new Section 8.15 is added to the Town of Day Zoning Law, as follows:

1. PURPOSE. The Town Board of the Town of Day finds that many landscape features, geological features and other resources of the Town of Day and the Adirondack Park have special aesthetic, scenic or historical value. The Town of Day considers the visual appearance of the forests in the Lakefront Area and the Viewshed Protection Area to be a valuable natural resource. Visual appearance is one of the many benefits that these forests provide to the residents of Day. The purpose of this law is to protect the visual appearance of forest in the Lakefront and Viewshed Protection Areas, while not excluding other activities that provide benefits to landowners and community members of Day.

2. DEFINITIONS.

a. Commercial Tree Cutting means the cutting of trees 6" or more in diameter in exchange for any consideration to the landowner.

b. Stand of Trees means a contiguous group of trees, sufficiently uniform in species, arrangement of classes and condition to be identified as a homogeneous and distinguishable unit.

c. Clearcutting means any cutting of trees over six inches in diameter at breast height over any 10-year cutting cycle where the average residual basal area of such trees after such cutting is less than 30 square feet per acre, measured within the area where the cutting occurred. Adjacent clearcut areas can be aggregated to delineate the area where cutting occurred, if the average residual basal area of the aggregate is less than 30 square feet per acre.

d. Lakefront Area means that area which extends from the shoreline of Great Sacandaga Lake to the first public road which is substantially parallel to that shoreline (North Shore Road, South Shore Road or Kathan Road), and an additional 528 feet inland from the inland side of that road.

e. Viewshed Protection Area means the Town of Day Viewshed Protection Area, which is the area designated on the Town of Day Viewshed Protection Area Map, a copy of which is incorporated into the Town of Day Zoning Law.

3. AFFECTED AREAS. This law applies in the Lakefront Area, and in the Viewshed Protection Area.

4. NOTIFICATION. Whenever Commercial Tree Cutting is to occur in an area where this law applies, the following information must be provided by the landowner or his designee, in writing, to the Code Enforcement Officer. No Commercial Tree Cutting may occur without

such notification. The contract between the landowner and the tree cutter may be used to supply any or all of this information.

- a.* The name and address of the owner of the property where trees will be cut.
- b.* The name and address of the person doing the cutting.
- c.* The total land area involved in the cutting operation.
- d.* The range, in inches, of the diameter at the standard breast height (4 ½ feet above ground) of the trees to be cut and of the residual trees.
- e.* A sketch map that shows:
 - i.* The location and boundaries of the property.
 - ii.* Approximate acreage of forest affected by the cutting activities.
 - iii.* The names and addresses of adjacent property owners.
 - iv.* The access roads into the property.
 - v.* The area within the property where the cutting will be conducted.
 - vi.* The locations of the product loading areas.
- f.* A statement from the landowner that each tree to be removed has been designated with paint or other distinctive means, at two points that are readily visible by the tree cutter, one of which shall be low enough on the tree so as to be visible on the stump after the tree is removed, or, a written prescription as to what will be cut (for example “all Beech within the area”)
- g.* Copies of any required permits from NYSDEC or other agencies.
- h.* An indication of the method to be used in clean up of, and trash disposal in, the product loading area.

5. CUTTING RESTRICTIONS.

- a. Commercial Tree Cutting.* Clearcutting an area greater than 5 acres is never permitted, and the practices as recommended in the New York State Forestry Best Management Practices field guide in effect as of the date of this local law shall be followed.
- b. All Other Tree Cutting.* No more than 50% of existing trees shall be removed from any contiguous stand or grouping of trees. In no case shall the area of clearcutting exceed ½ acre.
- c. Other Applicable Laws.* Nothing herein shall be deemed to permit any tree cutting which is prohibited by other provisions of the Town of Day Zoning Law.