

INTRODUCTORY LOCAL LAW NO. 1 OF 2017

ZONING LAW OF THE TOWN OF BRUNSWICK

SUMMARY OF CHANGES TO PROPOSED LOCAL LAW

In response to the comments received from the NYS Department of Environmental Conservation concerning the regulations on timber harvesting in the proposed Brunswick Zoning Law (originally introduced on September 8, 2016 as Introductory Local Law No. 4 of 2016; subsequently reintroduced on February 9, 2017 as Introductory Local Law #1 of 2017), changes have been proposed to the timber harvesting regulations. A summary of these changes to the proposed Brunswick Zoning Law, re-introduced on June 8, 2017 as Introductory Local Law No. 1 of 2017 as amended, is presented below.

1. Section 160-12, providing Definitions, has been changed as follows:
 - The definition for “Timber Harvesting, Commercial” has been modified:
 - The main definition has had “equal to or” added before “greater than 20 standard cords”; “19,200” has been deleted and replaced with “10,000 board feet of timber”; and “as measured by the International Log Rule” has been deleted before “in any one year”;
 - The definition of “Board Foot” has been modified to include the line “For purpose of this law, 500 board feet shall be equivalent to one standard cord”;
 - The definition of “Diameter at Breast Height (DBH)”, reading “The diameter of a tree as measured at 4 ½ feet above the ground”, has been added;
 - The definition of “Diameter Limit Cutting” has been deleted;
 - The definition of “International Log Rule” has been deleted;
 - The definition of “Minimum Stump Diameter” has been deleted;
 - The definition of “Standard Cord” has been modified to include the line “For purpose of this law, one standard cord shall be equivalent to 500 board feet”;
2. Section 160-53, addressing commercial timber harvesting, has been modified as follows:
 - In subsection (B) (1), “under twenty (20) cords” has been deleted and replaced by “less than 10,000 board feet”;
 - In subsection (C), “20 standard cords of wood or 19,200” has been deleted and replaced by “equal to or greater than 10,000 board feet of timber”; “by the International Log Rule” has been deleted before “in any one year”; and “the New York State Cooperative Forest Management Program or the Forest Practice” has been deleted and replaced by “in a state or federal forest management program”;
 - Subsection (D) (1) has been deleted;
 - Subsection (D) (2) has been renumbered subsection (D) (1); “but shall have no” has been deleted before “Haul roads”; “constructed” has been deleted before “skid trails”; “located on them” has been deleted and replaced with “shall require appropriate erosion control

mitigation”; and “One haul road may be constructed across a critical slope solely for the purpose of connecting a noncritical harvestable area to a town road if no other access is available and upon such conditions as may be imposed by the Town Board. Random individual tree skidding will be allowed” has been deleted;

- A new subsection (D) (2) has been added, which reads “All timber harvesting should follow New York State Department of Environmental Conservation Forestry Best Management Practices Field Guide for Water Quality, as may be amended from time to time”;
- In subsection (D) (6), “stump diameter” has been deleted and replaced with “Diameter at Breast Height (DBH)” and “a Department of Environmental Conservation forester” has been deleted and replaced with “a professional forester”;
- In subsection (D) (8), “All loggers on the site shall be required to carry” has been deleted and subsection (D) (8) now provides: “The applicant shall file with the Town a certificate of insurance, or like document evidencing a valid general liability insurance policy issued in the name of the applicant and under which the Town of Brunswick is listed as an additionally insured. The limits of such policy shall not be less than one million dollars (\$1,000,000) unless for good cause shown by the applicant a lesser amount is authorized by the Planning Board. Such policy shall be submitted and kept on file at the Building Department”;
- Subsection (D) (9) (a) has been renumbered subsection (D) (9), “Upon completion of the harvesting activity, reclamation of the site shall be performed by the applicant” has been deleted; “or other water diversion structures as outlined by the New York State Department of Environmental Conservation Forestry Best Management Practices Field Guide for Water Quality” has been added; and “unless the Planning Board determines an alternate water diversion is desirable” has been added;
- Subsection (D) (9) (b) has been renumbered subsection (D) (10), titled “Site Reclamation” and the lines “and skid trails” and “and protected with waterbars” have been deleted;
- In subsection (E) (1), the following provision has been added: “and a Timber Harvesting Permit as issued by the Building Department. Upon the issuance of a special use permit by the Planning Board, the Building Department shall issue a Timber Harvesting Permit upon presentation of the performance bond or other surety required under this section, and proof of general liability insurance as set forth in this section”;
- In subsection (E) (2) (b), “including a description of the type of harvesting, i.e., clearcutting, diameter limit cutting (in which case the minimum stump diameter shall be designated), thinning or selection cutting” has been deleted and “including the proposed selection cutting” has been added;
- Subsection (E) (3) has been deleted;
- Subsection (E) (4) has been renumbered subsection (E) (3), the word “Board” has been added to “Town Board”, and the word “Town” has been added to “Town roads”.