

**Willig, Robert A.**

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**From:** [REDACTED]  
**Sent:** Thursday, February 27, 2025 11:51 AM  
**To:** Willig, Robert A.  
**Subject:** [ EXTERNAL ] Upper Tulpehocken Township, Berks County- Request for ACRE review  
**Attachments:** Upper Tulpehocken Twp--Timber-Harvest-Permit-Application.pdf; Upper Tulpehocken Twp-Forestry regulations ordinance.pdf

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Dear Robert,

I am submitting here an ACRE request for review regarding the ordinance affecting timber harvesting in Upper Tulpehocken Township, Berks County.

Items in the ordinance that I found very questionable were requirements to submit a forest management plan and a stormwater mgt plan, and especially, the permit cost. The application fee of \$50 is reasonable, but in addition to that, the language states that the permittee will later be required to pay a balance due for the total permit cost. There is no information available as to what the additional review cost will be.

Sincerely,

[REDACTED]

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## PROCEDURE FOR OBTAINING A TIMBER HARVEST PERMIT

1. Fully complete the application for your permit making sure to date and sign it and return it along with the required application fee. The applicant for a permit may be the owner or owner's agent. (Please note that although the application fee is non-refundable, it will be applied toward the total cost of your permit(s), with the balance due at pick-up.)
2. Completed Timber Harvest/ Zoning permits will be processed in full within thirty (30) days of the received stamped date. Make sure there are daytime and evening telephone numbers for the Building Inspector to reach you should there be any questions about your application.
3. After the application has been approved, the applicant will be contacted when the permit is ready to be picked up and informed of the balance due. At pick up you will be asked to sign all copies of the permit, pay the balance of the permit fee and you will be given a check list with the inspection requirements for your project.
4. Permits are valid for one (1) year from date of issuance. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. An additional fee will apply.
5. If you have any questions concerning your application, please contact Kraft Municipal Group at 610.777.1311. If no one is available when you call, please state the municipality your call pertains to and leave a detailed message.
6. **PLEASE NOTE:** No forestry may begin without paying for and receiving your approved permit. Performing work without a permit will result in the doubling of all permit fees.

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The following requirements must be met for approval of your timber harvest permit application:

- ☐ **Application fee.** (*Applications received without the required \$50 application fee will be considered incomplete and will not be processed.*)
- ☐ Fully completed Timber Harvest Permit application
- ☐ Forest management plan of the property where the proposed forestry, timber harvesting, tree harvesting or logging activity shall occur, which includes the following:
  - a. An identification of the concerned property; the legal owners of the property; the mailing address(s) and phone number(s) of the legal property owners, operators, and applicant.
  - b. A plan drawn to scale depicting the property boundaries, the areas of the site on which the work is to be performed, the topographical features, soils, existing vegetation, watercourses, man-made features, the affected water shed and other natural features.
  - c. A description of the proposed forestry, timber harvesting, tree harvesting or logging operation as well as a description of the planned replanting of the lot.
  - d. An estimated starting and finishing date for the project.
  - e. The location of the temporary off-street parking and loading spaces.
- ☐ Soil erosion and sediment plan of the property where the proposed activity shall be submitted in accordance with the provisions of the Commonwealth of Pennsylvania.
- ☐ Stormwater management design.
- ☐ Proof of contractor workers' compensation insurance or notarized exemption form.

## TIMBER HARVEST PERMIT APPLICATION

Municipality in which work will be performed: \_\_\_\_\_

### PROPERTY INFORMATION

Owner: \_\_\_\_\_ Phone #: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/ Zip: \_\_\_\_\_

Cell #: \_\_\_\_\_ Fax #: \_\_\_\_\_ Email: \_\_\_\_\_

### CONTRACTOR INFORMATION

Contractor: \_\_\_\_\_ Phone #: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/ Zip: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Cell #: \_\_\_\_\_ Fax #: \_\_\_\_\_ Email: \_\_\_\_\_

### HARVEST INFORMATION:

Location: \_\_\_\_\_ Cost of improvement: \_\_\_\_\_

Type of project: ☐ Timber Harvest ☐ Tree Harvest ☐ Logging ☐ Forestry

Date to Begin: \_\_\_\_\_ Date to End: \_\_\_\_\_ Total Area: \_\_\_\_\_ Total Area of Harvest: \_\_\_\_\_

Approximate Amount Of Timber to be Harvested: \_\_\_\_\_ Total Disturbed Area: \_\_\_\_\_

List all Public Roads to be Used for Transport: \_\_\_\_\_

ESTIMATED DISTURBED AREA:		TOTAL LENGTH(FT)	AVERAGE WIDTH(FT)	AREA (SQ FT)	
Haul Roads-	#		=		Total 1
Skid Roads-	#		"		Total 2
Landings-	#		"		Total 3
Total Area (sq ft)	=		43,560 sq ft/a	"	Total

By applying for this permit, I acknowledge that all information provided in this application is complete and accurate, that the work performed will be in conformance with the Pennsylvania Uniform Construction Code and/or any applicable ordinances of the municipality in which the work is to be performed as well as in accordance with the approved plan after a plan review has been completed. I understand that this is not a permit to begin work, but only an application for a permit and that work is not to start without a permit and that the fees for the permit may be doubled if work starts without a permit. I understand that if I give false information regarding this permit application that any permits issued based on this information will be invalid and the municipality could initiate legal proceedings against me, which could result in my being fined or imprisoned, or in the improvement being removed at my expense or any other legal remedy appropriate under the circumstances.

Applicant Signature

Date

**PENNSYLVANIA WORKERS' COMPENSATION INSURANCE COVERAGE INFORMATION FORM**

Please complete all applicable sections of this form paying special attention to the documentation requirements listed in each section. The building and/or zoning permit that you are requesting will not be issued until this form is completed properly.

**1. Are you the homeowner/property owner** performing the work (as requested in this application) yourself?

- ☐ No - go to question #2
- ☐ Yes - read this exemption statement, sign to indicate your understanding and submit this form with your application  
"Homeowner swears/affirms that he/she will be performing all work on this project and no outside contractors will be employed on this project."

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**2. Are you the homeowner/property owner** who has hired a contractor to perform the work (as requested in this application)?

- ☐ No - go to question #3
- ☐ Yes - please have your contractor complete Sections A & B

**3. Are you the contractor** hired by the homeowner/property owner to perform the work as requested in this application)?

- ☐ Yes - complete Section A & B
- ☐ No - please explain: \_\_\_\_\_

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**A. Name of Company** \_\_\_\_\_

Contact person \_\_\_\_\_ Phone # \_\_\_\_\_

Address of company \_\_\_\_\_

Federal or State Employee Identification # \_\_\_\_\_

Please select one of the following options:

- ☐ Applicant is a qualified self-insurer for workers' compensation.  
✓ Please attach a copy of the insurance certificate listing the municipality in which the work will be performed as a certificate holder
- ☐ Applicant carries workers' compensation coverage with an insurance company  
✓ Please attach a copy of the insurance certificate listing the municipality in which the work will be performed as a certificate holder
- ☐ Applicant is exempt from providing workers' compensation insurance because:
- ☐ The contractor is a sole proprietorship without employees (The contractor is prohibited by law from employing any individual to perform work pursuant to this building permit unless contractor provides proof of insurance to the municipality.)
  - ☐ All of the contractor's employees on the project claim an exemption based on religious grounds as defined in Section 304.2 of the Workers' Compensation Act.

**Note: If you are requesting an exemption from the Workers' Compensation Act requirements, you must sign in Section B in front of a notary public.**

Will you be using any subcontractor(s) on this project? ☐ No ☐ Yes (if yes, all subcontractors must present proof of insurance as required under the Pennsylvania Workers' Compensation Act.)

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**B. My signature as the contractor indicates my understanding of the requirements to provide proof of Workers' Compensation insurance as needed and verifies that all statements made above are true. I understand that if I am a contractor requesting an exemption under the Workers' Compensation Act that I must sign this form in front of a notary public.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

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**NOTARIZATION REQUIRED FOR CONTRACTORS REQUESTING EXEMPTION FROM PROVIDING WORKERS COMPENSATION INSURANCE**

County \_\_\_\_\_ Municipality of \_\_\_\_\_

My commission expires: \_\_\_\_\_ Subscribed and sworn to before me this-  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

SEAL \_\_\_\_\_

**§ 460-101. Forestry regulations. [Added 4-11-2017 by Ord. No. 7-2017]**

- A. Purpose. In order to conserve forested open space and the environmental and economic benefits it provides, it is the policy of Upper Tulpehocken Township to encourage the owners of forest land to continue to use their land for forestry purposes, including the long term production of timber, recreation, wildlife, and amenity values. The forestry regulations contained herein are intended to further this policy by: promoting good forest stewardship; protecting the rights of adjoining property owners; *minimizing the potential for adverse environmental impacts*; and avoiding unreasonable and unnecessary restrictions on the right to practice forestry. Forestry, as defined in § 460-6, shall be permitted in any zoning district in the Township as a use permitted by right, subject to the regulations contained in this section, and to applicable federal and state laws and regulations.
- B. Applicability. All forestry, as defined in § 460-6, shall be conducted in compliance with the regulations set forth herein, and in compliance with applicable federal and state laws and regulations. The following activities shall not be considered subject to the requirements of this Part 1, although other laws, regulations and ordinances may apply:
- (1) Clearing for a single-family residential dwelling.
  - (2) Clearing for farming operations.
  - (3) The cutting of diseased trees.
  - (4) Property owner cutting on owner's own property, for personal, family, or household use.
  - (5) Noncommercial timber stand improvements.
  - (6) Clearing pursuant to a land development plan approved by the Township.
  - (7) Cutting of trees for precommercial timber stand improvements.
  - (8) Timber harvesting operations proposed on any property resulting in an earth disturbance of less than 5,000 square feet.
- C. Zoning permit. For any forestry activities subject to the requirements of this section, a zoning permit from the Township will be required. Said zoning permit shall not be issued until the applicant has obtained Berks County Conservation District approval for a timber harvesting operation and has presented the approved plan to the Township.
- D. Notification of commencement and expected completion of timber harvesting. for all timber harvesting operations that are expected to disturb 5,000 square feet of earth or more, the landowner shall notify the Township Zoning Officer at least 10 business days before the operation commences and within five business days before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing, and shall specify the land on which the timber harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting and completion date of the operation.
- E. Logging plan. Every landowner on whose land timber harvesting is to occur shall prepare a written logging plan in the form specified by the Berks County Conservation District, and as

set forth below, in addition to the requirements for a zoning permit and other applicable requirements. The logging plan shall comply with the following:

- (1) Logging plan requirements. Every landowner on whose land timber harvesting is to occur shall obtain a zoning permit. The applicant shall prepare and submit a written logging plan in the form specified below. No timber harvesting shall occur until a zoning permit has been issued.
  - (a) Minimum requirements. At a minimum, the logging plan shall include the following:
    - [1] Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings;
    - [2] Design, construction, and maintenance of water control measures and structures, such as culverts, broad-based dips, filter strips and water bars;
    - [3] Design, construction, and maintenance of stream and wetland crossings; and
    - [4] The general location of the proposed operation in relation to municipal and state roads, including any accesses to those roads.
  - (b) Map. Each logging plan shall include a sketch map or drawing containing the following information:
    - [1] Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place, and the boundaries of the proposed harvest area within the property;
    - [2] Significant topographic features related to potential environmental problems;
    - [3] Location of all earth disturbance activities, such as roads, landings, and water control measures and structures;
    - [4] Location of all crossings of water of the commonwealth; and
    - [5] The general location of the proposed operation to municipal and state roads, including any accesses to those roads.
  - (c) Compliance with state law. The logging plan shall show how it will comply with the requirements of all applicable state regulations, including, but not limited to, the following:
    - [1] Erosion and sedimentation control regulations contained in Title 25, Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law;<sup>1</sup> and
    - [2] Stream crossing and wetlands protection regulations contained in Title 25, Pennsylvania Code, Chapter 102, promulgated pursuant to the Dam Safety and Encroachments Act.<sup>2</sup>

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1. Editor's Note: See 35 P.S. § 691.1 et seq.

F. Required forest practices. The following requirements shall apply to all timber harvesting operations:

- (1) Felling or skidding on, or across, any public road is prohibited without the express written consent of the Township, or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare;
- (2) No tree tops or slash shall be left within 25 feet of any public road, or private roadway providing access to adjoining residential property;
- (3) All tree tops or slash shall be between 25 feet and 50 feet from a public roadway, or private roadway providing access to adjoining residential property, or within 50 feet of adjoining residential property, shall be lopped to a maximum height of four feet above the ground;
- (4) No tree tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof; and
- (5) Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

G. Enforcement.

- (1) Township Zoning Officer. The Zoning Officer shall be the enforcement officer for this section regarding forestry.
- (2) Inspections. The Zoning Officer may go upon the site of any timber harvesting operating before, during, or after active logging to review the logging plan or any other required documents for compliance with this section, inspect the operation for compliance with the logging plan, and other on-site requirements of these regulations.
- (3) Violation notices; suspensions. Upon finding that a timber harvesting operation is in violation of any provision of this section or the logging plan, Zoning Officer shall issue the operator and the landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken. Zoning Officer may order the immediate suspension of any operation upon finding that: corrective action has not been taken by the date specified in a notice of violation; the operation is proceeding without logging plan; or the operation is causing immediate harm to the environment. Suspension orders shall be in writing, shall be issued to the operator and the landowner, and shall remain in effect until, as determined by Zoning Officer, the operation is brought into compliance with this section or other applicable statutes or regulations. The landowner or the operator may appeal an order or decision of an enforcement officer within 30 days of issuance to the Zoning Hearing Board of the Township. The provisions of this section are in addition to all enforcement remedies available under the Township Zoning Ordinance, and the penalties for violations herein shall be as set forth in § 460-115 of this Part 1.

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2. Editor's Note: See 32 P.S. § 693.1 et seq.