

NATURAL FEATURES AND AGRICULTURAL CONSERVATION PLAN

Land in the Region varies greatly in its suitability for different intensities of development. Some areas, such as flood-prone creek valleys, very steep sloped lands and wetlands, are not suitable for any development. Other areas are only suitable for very low-intensity development, such as moderately steep areas. Still other areas are appropriate for intensive development.

Open space can be preserved in public, semi-public or private ownership. It is important to preserve open space to:

- recharge groundwater supplies,
- protect the quality of creeks and the groundwater,
- provide an important visual relief between developments,
- preserve areas of scenic beauty, including scenic views,
- avoid development on lands that are prone to erosion or are otherwise not physically suitable for development,
- provide land for recreation, and
- preserve habitats and cover for birds, fish and wildlife.

Use a range of methods to fund land conservation.

Conservancy organizations can work with individual landowners to find ways to preserve their land. This often includes purchasing a property for a price that is lower than market value, and then helping the property-owner receive a Federal income tax deduction for the difference between the market price and the sale price. Conservancies also often work with landowners to find ways to sensitively develop part of their property, while permanently preserving other parts.

"Conservation easements" can be used to permanently preserve land without outright purchase of the land. With a conservation easement, the land remains privately-owned. The easement involves the property owner voluntarily agreeing to donate or sell the right to develop his or her land. The property owner agrees to place a restriction in the deed of the property which becomes binding on all future owners of the land. The easement can be written in many different ways to restrict or not restrict certain types of activities. Most conservation easements prohibit the construction of new buildings and subdivision of the land. Conservation easements also may prohibit intensive forestry and re-grading of the land. A conservancy organization is often paid to oversee the easement.

Often, a property-owner can receive Federal income tax benefits from donating a conservation easement. This could include a complete donation of the easement, or a sale of the easement for a price that is less than the value of the easement. For example, if an area of land is worth \$1 million, the development value might be \$800,000. The remaining \$200,000 would be the residual value of the property after the easement. If the landowner donates a conservation easement, it may be possible to deduct \$800,000 from his or her taxable income. If the landowner sells the easement for \$200,000, he or she may be able to deduct \$600,000 from his or her taxable income - \$800,000 of value minus the

\$200,000 purchase price. This is known as a "bargain sale." The same type of deduction could apply if the land is sold outright to a municipality or conservancy for less than its market value.

A program exists to purchase conservation easements for agricultural land, through Carbon County, as described later in this Plan.

A variety of State funds also available through the State Department of Conservation and Natural Resources for purchase of recreation land or conservation easements. Those programs typically require a 50-50 match with other sources of funding, and are competitive. One portion of the money is specifically set aside for applications sponsored by conservancy organizations.

Municipalities have additional alternatives to raise money for purchase of recreation land and preservation of open space. A municipality is also allowed to use its own funds to buy easements on agricultural land. Township programs to preserve farmland are particularly worthwhile to preserve farms that do not rank highly under the County's easement program. These alternatives to raise funds should particularly be considered to provide matching dollars with State and County grants.

One alternative is to require developers to provide recreation land within new developments, or to pay recreation fees "in lieu of" providing recreation land. These types of requirements are allowed under the State Municipalities Planning Code. The Land Use and Housing Plan also describes incentives that can be used in zoning to result in higher percentages of open space within new development.

A second alternative is to set aside funds from the general fund budget or to issue a municipal bond for land purchase and preservation.

A third option is to ask voters if they wish to have the municipality issue a bond for land purchase and preservation. This referendum may also involve asking voters to approve an additional tax that would be dedicated to land purchase. A bond is typically issued, with the annual payments on the bond paid from the tax receipts. State law allows voters to approve an increase in their earned income tax (up to 0.25 percent) or an increase in their real estate tax millage (up to 2 mills) or an increase in the real estate transfer tax (up to 0.25 percent) only paid by people selling or buying land.

The real estate transfer tax increase can be particularly attractive because it only affects properties that are sold, including new construction and re-sales. If a municipality is experiencing a high rate of construction, that tax increase can generate tremendous revenue without affecting most existing residents.

Use a new State law to promote greater use of easements.

Act 4 of 2006 is a State law that can be used to promote the preservation of additional land through permanent easements. The municipalities, school district and county can jointly agree to freeze real estate taxes on preserved lands. This provides a strong incentive for landowners to seek to have their easements purchased by the county, and may even encourage some landowners to voluntarily donate their easements.

Work to protect creek corridors, with thick vegetation along creeks.

Land along creeks can be preserved in private ownership, in public ownership or by homeowner associations. Land along creeks is particularly valuable for public passive recreation, particularly for hiking trails and picnic areas. This can build, for example, upon the trail system that is being developed along the Lehigh River and the existing trail system along the Beltzville State Park. The Open Space Plan for Polk Township recommends acquiring land and developing trails along the Pohopoco Creek, which are intended to connect eventually to the Beltzville State Park trail system.

The primary goal is to maintain thick natural vegetation along creeks, and to re-plant areas along creeks where thick vegetation does not exist. This thick vegetation is essential to provide high quality habitat for fishing and to filter out eroded soil and pollutants from storm water runoff. At best, to maintain the proper temperature of creeks and filter out pollutants, there should be mature canopy trees over a creek, plus thick underbrush.

To comply with State requirements, the municipalities have regulations that limit buildings within flood-prone areas. These regulations apply within the "100-year floodplain." The 100-year floodplain includes areas forecast to be flooded during the worst flood expected in an average 100-year period. Based upon recent experience when three serious storms occurred in two years, it appears that the 100 year floodplain may be understated. The townships' provisions could be strengthened by prohibiting any new principal buildings in the 100-year floodplain, as opposed to the current policy of allowing new buildings in parts of the floodplain if they are flood-proofed. However, that type of provision is not recommended in the boroughs, because it may adversely affect revitalization efforts.

The municipal zoning ordinances could also be strengthened by requiring a setback of approximately 25 to 100 feet from the bank of major perennial creeks. A perennial creek carries water throughout the year, except possibly during drought conditions. These setbacks should vary by zoning district. A relatively narrow width (such as 25 feet) may be necessary in denser areas of the boroughs. A larger setback (such as 75 feet from the Lehigh River and the Pohopoco and Aquashicola Creeks in the townships and 50 feet from perennial creeks in other cases) would be appropriate in less densely developed areas. This setback should apply for buildings, parking areas and business storage. These distances may be required to be measured from the top of the primary bank, the centerline of a creek, or the average water level.

The preservation and creation of vegetated drainage swales should be encouraged. These types of channels slow runoff, allow recharge and filter out pollutants.

The four municipalities are located in the Lehigh River watershed. Water from the northern portion of the region flows into the Pohopoco Creek, while most of the remainder of the region drains into the Aquashicola Creek. Part of Bowmanstown and western Lower Towamensing drain into a small creek that flows into the Lehigh River.

The larger system of creeks, lakes and reservoirs is shown on the Aquashicola-Pohopoco Watershed Map, on a following page. That map also shows drainage patterns in adjacent areas of Monroe County, which greatly impact the Bethlehem Water Authority reservoirs and Beltzville Lake.

The Wildlands Conservancy prepared a watershed plan for the Lehigh River Watershed. It has worked with property-owners to stabilize stream banks, plant near vegetative buffers along the creek and improve fish habitats. The Wildlife Information Center has been involved in conservation efforts, particularly in the Lehigh Gap area. The Nature Conservancy has worked to try to permanently preserve lands owned by the Bethlehem Water Authority around its reservoirs and other land holdings in Towamensing and Lower Towamensing Townships and townships in Monroe County.

As part of a Source Water Assessment and Protection study, the locations of potential chemical hazards to water supplies have been mapped. Local fire companies should be aware of these hazards and be well-trained and prepared to quickly address any potential leaks, spills or other emergencies.

Continued efforts are needed to educate owners of properties with on-lot septic systems about the need for proper operation and maintenance of these systems to avoid groundwater pollution. The municipalities should continue to work to identify malfunctioning septic systems and inadequate cesspools and require their repair or replacement. Lower income homeowners can be linked with low interest loans from PennVEST to help fund repairs.

Promote proper management of forested areas.

Major forested areas are shown on the Natural Features Map. Most forested areas of the region are located on areas that were too steep, too wet or too rocky for crop farming. The woodlands in the region add character to the landscape, help preserve the water quality of creeks and provide important wildlife habitats. Trees also are important to purify the air and control erosion. Forestry must be allowed under State law. However, clear-cutting of woods should be prohibited, proper erosion controls should be in place for any large-scale tree-cutting, and other appropriate forest management practices should be used. In development plans, developers should be required to show that they have minimized the removal of woods as part of their project. Great care should be used during construction to minimize the number of trees that are removed. Trees can add substantial value to a residential lot. During construction, temporary wood fences should be placed around trees to prevent the compaction of root systems by equipment and to prevent damage to tree trunks.

Efforts have been underway over the past few years to re-vegetate the scarred portions of the north face of the Blue Mountain. A similar condition exists in some areas east of Aquashicola.

Certain additional areas of the region should be considered for re-forestation – particularly steep lands and lands along creeks. Funding for tree-planting programs are available from a few sources, including the Federal Urban Forestry Program, the Federal Transportation Enhancement Program (along a major highway) and Federal and State water quality programs. Some programs are limited to public lands, while others provide funding to private property owners. A Federal conservation program also provides funding to farmers who take steep areas and areas along creeks out of crop production.

watershed map

topography map

natural features map

ag soils map

ag features map

Preserve wetlands.

It is extremely important to protect wetlands to protect water quality, control flooding, provide aquatic habitats and recharge groundwater. Wetlands are defined based upon the soil types, depth of the water table and types of vegetation. Wetlands not only include swamps, but also areas that are typically wet during parts of the year. The municipalities and local residents need to help State and Federal agencies make sure that there is compliance with wetland regulations. An attached map shows the locations of known wetlands. In addition, attention is needed regarding areas with “hydric soils” that are likely to include wetlands. Within suspect areas, an applicant for development should be required to provide a study by a qualified professional to determine whether wetlands will be impacted.

Each municipality should consider requiring a setback of at least 20 feet between a designated wetland and a proposed new building. This setback is valuable to help keep construction equipment out of the wetlands and to avoid other alterations to wetlands after construction. A larger setback may be suitable for larger and more ecologically important wetlands. An exception could be included for wetlands that were man-made.

Limit development on steeply sloped lands.

As seen on the Topography Map, most steeply sloped lands are concentrated in the following areas:

- along the Blue Mountain, which is the southern border of the region,
- along Stony Ridge west of Little Gap,
- along Forest Inn Road,
- along Spruce Hollow Road,
- east of the Lehigh River north and south of Bowmanstown,
- between Route 209 and Beltzville Lake,
- along a corridor running a few hundred feet south of Route 209, and
- along Call Mountain west of the Penn Forest Reservoir.

A 15 percent slope has a rise of 15 feet for every 100 feet of horizontal distance. Moderately steeply sloped lands (15 to 25 percent) are generally only suitable for low intensity development. Very steep lands (over 25 percent) are generally not suitable for any development. It is important to limit development on steep slopes to avoid the following: erosion problems, high speed storm water problems, overly steep roads and driveways, excessive costs to construct and maintain roads and utilities, and destruction of scenic natural resources.

Consideration should be given to strengthening zoning regulations to control development on steeply sloped lands. For example, if a new principal building would be proposed on steep slopes, larger lot sizes could be required. These additional requirements would not apply if a portion of a lot was steeply sloped but was not proposed for any development. An alternative is to regulate the amount of steep slope areas that may be disturbed. Another alternative is to base the density of a tract of land upon the slopes present on the entire tract, which is currently used in Towamensing Township. However, that provision by itself may not effectively keep buildings off of the steep slopes.

For example, in the townships, it would be desirable to require a minimum lot size of at least one or two acres if a principal building would be built on 15 to 25 percent slopes, and two to five acres if the

building would be built on slopes over 25 percent. Some municipalities prohibit all construction of new principal buildings on slopes over 25 percent.

Maintain open space corridors for wildlife.

Ideally, corridors along steeply sloped areas and along creeks would be permanently preserved as inter-connected open space. In addition to the benefits of preserving natural features, these inter-connected corridors also provide cover for wildlife to move throughout the region. It is particularly important to have areas with woods or other thick natural vegetation that connect large areas that have been preserved. Too often, land preservation involves fragmented areas that do not allow for wildlife travel.

Seek to preserve concentrations of prime agricultural soils.

The Prime Agricultural Soils Map shows areas with the best soils for corn and similar crops, as estimated in the County Soils Survey. The very best agricultural soils are called "Class I and II." These soils are mainly concentrated in Towamensing Township. Class III soils are also considered prime for agriculture, but are typically more sloped and less productive than Class I and II soils.

The Land Use and Housing Plan includes recommendations to seek to use zoning to preserve key concentrations of prime agricultural soils.

Encourage landowners to join agricultural security areas.

Large areas of farmland in the region have been designated as "Agricultural Security Areas." These are shown on the Agricultural Features Map. Farmers voluntarily ask the Township Supervisors to include their land as a Security Area. A Security Area does not result in any additional regulations upon a private property owner, nor upon private development. Once designated, the landowners become eligible, if they wish, to ask to have their land preserved under an Agricultural Easement (as described below). Moreover, a Security Area provides a farmer with extra protection against nuisance lawsuits, municipal regulations of agriculture and government condemnation.

Promote additional agricultural easements to preserve farmland.

The most effective method to permanently preserve farmland is through purchasing the "development rights" of the land. The goal is to preserve large contiguous areas of farmland over time, as opposed to smaller isolated farms. This program uses funds from the State and the County to pay property owners to preserve their land. Property owners voluntarily apply to the County for consideration. The farms are then ranked according to a set of standards, such as the quality of the soils for crops and the proximity to other farms that have been preserved. Within the funds available each year, the highest ranked farms are selected. Those land are appraised, and then offers are made to the landowners. If the landowner agrees to the sale, he is paid the difference between the market value of the land and the value as farmland.

A landowner can voluntarily agree to a payment that is less than this value, particularly if insufficient funds are available to the County for the full amount. In that case, the landowner can deduct the

difference on their Federal income tax as a charitable donation. A permanent “Conservation Easement” is then placed on the land that permanently prevents its use for non-agricultural uses. The land remains privately owned and can be sold to other farmers. The easement does not require that access be provided to the public onto the land.

The locations of preserved farmlands are shown on the Agricultural Features Map.

There are limited funds available each year to buy easements to preserve farmland, and many farmers must sit on a waiting list for years. During the time it takes a farmer to rise up on the list, he/she may face pressure to sell for development. Also, some farms may not rank high enough according to the standards to be funded – particularly if a farm does not have the best soils for crop farming.

The State now allows the County to make installment purchases of farmland easements. This guarantees farmers that they will receive certain payments in future years – which should increase participation. It also helps landowners to spread out the income over more than one year, which can reduce the tax rates. Installment sales are also valuable to get a property under contract at the present time, particularly if a large property is involved and sufficient funds are not available to preserve it in one year.

Allow additional farm-based businesses.

Many farmers cannot earn a full-time living on their farm work. Instead, many farmers need supplemental jobs. To encourage the continuation of farming, the townships’ zoning ordinances should offer reasonable flexibility to farmers on larger tracts to have small businesses. These businesses could include small engine repair, sharpening services, wood crafting, farm equipment repair, sale of seeds and fertilizers and similar activities. The number of employees and the sizes of the businesses should be limited to prevent them from becoming major commercial businesses. These activities can also be useful to encourage the repair and reuse of old barns.

Farm-based tourism is also valuable to increase revenue to farmers, and thereby help farmers afford to farm. These activities can include Summer camps, Halloween events (such as haunted hayrides and corn mazes), bed and breakfast guest rooms, and other activities.

Furthermore, State law requires municipalities to allow farmers to conduct retail sales of their agricultural products on their property. These types of sales should be encouraged to help farmers capture a higher percentage of the retail value of their products.

LAND USE AND HOUSING PLAN

Existing Land Uses and Existing Zoning

Maps on the following pages show: a) the existing land uses in the region, as of 2006, and b) the existing generalized zoning in place as of early 2007.

Land Use Plan Map

Maps on the following pages show the land use and housing recommendations in the region. The categories on those maps are described in the following sections. One map shows the entire region, while the second map shows the two boroughs at a larger scale.

Land Use and Housing Plan Recommendations

This Plan sets overall land use and preservation policies for the four municipalities. Any subsequent changes to zoning must be generally consistent with the Plan, but can vary from it within reason. In order to receive protection against legal challenges against each zoning, each municipality will need to make amendments to their zoning if necessary to make the zoning generally consistent with the Comprehensive Plan.

In addition to the overall goals of this Plan, the Land Use and Housing Plan is primarily intended to:

- a) protect existing residential neighborhoods,
- b) moderate the rate of housing construction to avoid overloading the public school systems, roads, utilities and groundwater supplies,
- c) coordinate development across municipal borders, including municipalities that are not part of the Regional Comprehensive Plan,
- d) avoid serious traffic congestion and safety problems, particularly by avoiding new commercial strip development along major roads,
- e) promote new business development in appropriate locations, particularly by strengthening older business areas, with careful attention towards controlling very intense new businesses allowed in areas near homes, and
- f) make sure development properly relates to the natural features of the land, particularly to protect steeply sloped areas and creek/river valleys.

Existing zoning

Existing land use

land use plan

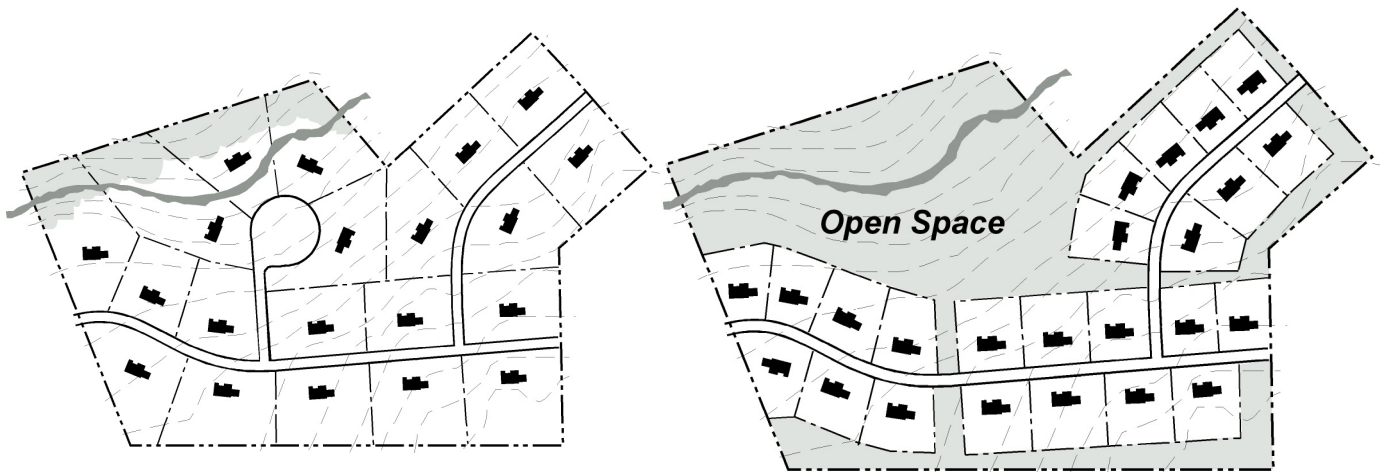
land use plan with boroughs

Policies Affecting Many Land Use Categories

- In many residential areas, it would be desirable to provide a density bonus if housing is limited to persons age 55 and older.
- Within Downtown Palmerton, it may be desirable to allow taller building heights (such as 6 stories) if an apartment building is limited to persons age 55 and older and if fire safety issues are fully addressed. In most other cases, a maximum building height of 3 stories is recommended.
- To promote home ownership and neighborhood stability, and to avoid parking problems, the conversions of existing one family homes into additional numbers of housing units should be prohibited or very strictly regulated in most of the region.
- If any lot is not served by both central water and central sewage service, then a minimum lot size of at least one acre is recommended. Where higher densities are described in this Plan, they assume that both central water and central sewage services would be provided. If a new lot will be served by an on-lot septic system, the lot should be approved for both a primary and an alternative drain field location before the lot is created.
- It is recommended that places of worship (such as churches) and public and primary schools be allowed in most areas, except possibly some conservation and agricultural conservation areas. (Note - Federal and State law control the ability of a municipality to limit locations of religious activities. There are differing court opinions about whether a municipality can limit the location of a public school).
- To promote use of Transfer of Development Rights (described below), it would be appropriate to consider reducing the maximum densities of some of the residential districts in the townships if transfer of development rights is not used. The lower base densities should generate stronger interest in using TDRs.
- Interconnecting recreation trails should be sought, particularly to connect into the new trails along the Lehigh River corridor and the Little Gap to Kunkletown Trail. Trails should extend from neighborhoods into the downtowns, parks and schools. These trails will not only be beneficial for recreation, but also could be useful for bicyclists to reach work. An emphasis should be placed on developing off-road trails that run parallel to roads that are unsafe for pedestrians and bicyclists, where that road cannot be easily improved.
- Thick natural vegetation should be preserved or planted along creeks to filter out pollutants from runoff, avoid erosion and maintain good water quality.

Open Space Residential Development

Open Space Development involves allowing homes on smaller lots in return for permanent preservation of a substantial percentage of the tract of land in some form of open space. The use of Open Space Development should be strongly encouraged, including strong incentives to promote the permanent preservation of substantial portions of a tract in open space. Homes should be clustered on the most suitable portions of a site, and important natural areas should be planned for preservation before any lot lines are proposed. Great attention should be paid to the standards for the open space - to avoid narrow and unusable areas counting as open space. Conservation easements are a legal tool that would be used to make sure the open space could never be subdivided or developed in buildings.



Example of Conventional Development

Example of Open Space Development

Many Open Space Developments are designed with 25 to 60 percent of the total land area of a development preserved in some form of open space. Open Space Development typically allows smaller lots and smaller setbacks than would be allowed under conventional development without open space. This concept is also known as Conservation or Cluster Development.

The use of Open Space Development should be strongly encouraged with attractive incentives and strong disincentives for developers. The overall number of homes possible on a tract is intended to be slightly higher (such as 20 percent higher) in an Open Space Development than what is possible under conventional development. This modest density bonus is valuable to encourage developers to choose to preserve the open space.

To make sure that Open Space Development is not mis-used to result in a dramatic increase in the number of homes allowed on a tract, a "Yield Plan" should be used. This involves requiring a developer to submit an accurate sketch plan showing the number of homes that would be possible under conventional development. The accuracy of this Plan would be subject to acceptance by the municipality. Once the Yield Plan was accepted, then the developer would be allowed to build a certain percent increase in density - such as 20 percent higher than was possible under the conventional

development. Proper standards are also needed to make sure that the open space serves a public purpose, as opposed to simply being fragments of "leftover" lands with little development or recreation value.

If a density incentive is not provided, developers may decide to propose conventional subdivisions with little or no open space, and with all lots being the same size and shape regardless of the features of the land.

The areas of the tract that are to be preserved as open space should be determined very early in the site design process—not as an afterthought. Great attention should be paid to the standards for the open space—to avoid narrow and unusable areas counting as open space.

Advantages of Open Space Developments - Based upon the work of the Natural Lands Trust, the following are some of the major advantages of Open Space Developments:

- *Important natural features can be preserved.* Open Space Developments should include standards that direct buildings away from steep slopes, wetlands, waterways and other important natural features. As a result, homes are placed on portions of the tract that are most environmentally suitable for development—as opposed to being evenly spread across the land. Large contiguous areas can remain in woods and other natural vegetation—which are important as wildlife corridors. Thick natural vegetation can be preserved along creeks—which is essential to filter out eroded soil and other pollutants from runoff before it enters the creek. This vegetation along creeks is also important to maintain high quality fishing habitats.
 - In comparison, if an entire tract is divided into lots, it is likely to mostly be in mowed grass—which is a “mono-culture” that does not have the same environmental benefits.
 - With open space preservation, stormwater runoff can be managed in a more natural manner that encourages recharge into the groundwater.
- *Scenic features can be preserved.* Open Space Developments can place homes on less visible portions of a tract, while maintaining scenic views. For example, many open space subdivisions setback homes from main through-roads and limit placement of homes on major ridgelines. As a result, the main angle of vision along major roads involves green space.
 - Mature woods can be preserved in locations that hide views of development. The preservation of open space also provides visual relief from seeing continuous development.
 - Stormwater runoff can also be managed in a more attractive manner—as opposed to within deep man-made channels and detention basins.
- *Recreational opportunities can be increased.* Open Space Developments typically include attractive areas for walking, jogging, cross-country skiing and nature study. In some cases, active recreation facilities can be included. These open space can also increase interaction among neighbors.

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- *Developers can achieve lower costs* for grading, lengths of roads, lengths of utilities and other improvements.
 - Developers may also be able to save time and money by avoiding wetland alterations and waterway crossings.
 - Open Space Developments can provide the flexibility in layout to move homes off of steep slopes, which are more expensive to build upon. Avoiding steep slopes can also reduce the need for blasting.
 - By allowing flexibility in placement of buildings, it is easier to find suitable sites for septic systems.

- *The municipalities can save on maintenance costs.* Shorter lengths of roads, utilities and other improvements mean there is less to maintain. It is expensive to maintain and plow snow from steeply sloped roads. Open Space Developments can result in roads being placed at more modest slopes.

- *Developers can often achieve higher sales prices.* More and more developments are stressing in their advertising that homes are adjacent to preserved open spaces. Developers can often receive a premium price for lots that are adjacent to or overlook preserved open space. The presence of trails and other open space amenities can also spur sales.
 - Studies have also shown that homes near preserved open space are likely to increase in value faster than other homes.

- *Reliable central water and sewage services* can be extended. It is usually uneconomical to provide central water and sewage services with lot sizes of 2 acres or larger. However, if homes are clustered on a tract, then it is often possible and/or necessary to provide central water and sewage services. Public water and sewage services typically are more reliable than individual wells and septic systems.
 - Central sewage service avoids the threat of groundwater contamination from failing malfunctioning septic systems. Central water service avoids the risks of well water contamination from various sources.

Proper standards are needed to make sure that the preserved open space is well-located and improved so that it serves important public functions. In many cases, mature woods, steep slopes and creek valleys should simply be preserved in their natural state. In other cases, the open spaces may be intended for active recreation. In still other cases, trees should be planted in the open spaces and trails should be installed. The key is to avoid a process in which the “open space” is simply the land that is left over after the most economical set of lots and roads are laid out. Narrow strips of open space should be avoided, unless they would preserve a scenic tree line or provide an important trail link.

Use a four-step process to result in conservation-oriented design in development.

The Natural Lands Trust promotes the following four-step process in the design of new development in order to emphasize land conservation principles. The townships' development regulations and procedures should require that this process be followed. These steps should be accomplished at the sketch plan stage - before any detailed engineering is completed.

1. Identify Lands that Should Be Preserved.

The mapping should not only consider the area proposed for development, but also any future phases of development, plus the areas that are immediately adjacent to the development site on other lots.

First, the areas that are most worthy of preservation should be mapped, including wetlands, flood-prone areas, creek valleys, and very steeply sloped lands. These are known as the Primary Conservation Areas.

Then, other features that are important for conservation should be mapped, such as woodlands, tree lines, scenic views, historic buildings, and prime farmland. These are known as the Secondary Conservation Areas.

Then, the most important areas for preservation should be identified. The areas with the fewest important natural, scenic and historic features should be considered the "Potential Development Area."

2. Locate Home Sites.

Next, the most appropriate locations for homes should be chosen. The zoning ordinance should establish a maximum overall density for the site, but should not include overly strict lot requirements that would prevent reasonable flexibility in the site layout. Home sites should be chosen to avoid the important features mapped in the first step. Home sites should also work to take advantage of scenic views within the tract.

3. Locate Roads and Trails.

After the home sites are selected, then a road system should be designed that serves those homes. A trail system should also provide links between homes and to destinations outside of the tract.

4. Draw in the Lot Lines.

The last sketch plan step is to draw in lot lines. In conventional development, with strict standardized minimum lot requirements, this is often the first step - before any consideration of natural features of the site.

Use great care in the design and location of preserved open space areas within development.

In addition to preserving agriculture, a priority of this Plan is to have substantial amounts of permanently preserved open spaces that create a true feeling of open space. The goal is to have open space that truly serves a public purpose, as opposed to areas that are simply “leftover” after a developer’s preferred pattern of roads and lots are laid out.

Valid public purposes for open space include:

- To preserve land for agriculture, hayfields, orchards and tree farms.
- To preserve environmental sensitive areas, particularly creek valleys and concentrations of mature woods.
- To manage stormwater in a more attractive and naturalistic manner that protects water quality, as opposed to engineered channels and traditional fenced-in detention basins.
- To provide usable recreation areas and important links in a trail system.
- To preserve large contiguous swaths of open space in visible locations that maintain a feeling of open space and that provide a visual relief between developments. At best, some open space would be preserved along exterior roads.

In most cases, at least half of the required open space should be in one contiguous area. Isolated areas (such as less than one acre) and narrow areas of land (such as less than 75 feet wide) should not be counted as open space. However, more narrow stretches may be suitable as open space if they truly serve as part of a regional trail system. Detention basins should not be considered open space unless they are designed as a major scenic asset (such as a natural appearing pond) or are clearly suitable for recreation. Roads and parking should not count as open space, even if the parking is intended to serve recreation uses. Narrow buffers should not count towards open space, but wider buffers may be appropriate. It may be appropriate to establish a maximum percentage of open space that can be covered by impervious surfaces.

To count towards the required open space, land should need to:

- be landscaped in trees, shrubs and other attractive vegetation,
- be maintained in agricultural uses, which may include a tree farm,
- be preserved in woods or natural wetlands vegetation,
- not be used for commercial recreation, other than a golf course, and/or
- be developed as recreational facilities, but not including buildings (other than pavilions).

Open Space should be interconnected with common open space areas on abutting parcels where possible, including provisions for public trails to link trail systems. Where the adjacent lands are undeveloped, then open space should be located towards the edge of the tract where it can be combined with future open space on the next tract.

Open space can also be used to buffer new homes from industrial uses, intensive agricultural activities or busy highways. The greater the distances between new homes and livestock and poultry operations, the less potential there is for severe conflicts.

The Blue Mountain

The vast majority of the north face of the Blue Mountain in the Palmerton region is in private ownership. Most of the land is officially owned by Zinc Corporation of America and successor corporations. Another large area of land is owned by Bowmanstown, Inc., while much of the Mountain is held by the Blue Mountain Ski Area. The area immediately along the Appalachian Trail along top of the Mountain is owned by the National Park Service, while most of the south face of the Mountain in Northampton County is owned by the State. Consideration should be given to whether the region wishes to encourage public acquisition of additional areas of the Blue Mountain. Such acquisitions typically occur with assistance by the Wildlands Conservancy and the State Game Commission, with the Game Commission owning the land.

Unfortunately, the State Game Commission has less funds available for land acquisition than was available in the past. It may be possible to tap into funds as part of the Federal “Highlands” program to preserved additional parts of the Blue Mountain.

Zinc-Contaminated Lands

Much of the north face of the Blue Mountain was severely damaged by air pollution from the former New Jersey Zinc industrial smelting operations. The vast majority of the contamination occurred before 1980. The West Plant closed in 1987.

The natural vegetation died, which resulted in large scale erosion of the mountainside. The highest concentrations of contaminants were found nearest the West and East Plants. Also, a large amount of slag and other residue material was deposited onto a 100 to 200 feet high cinder pile along the south side of Little Gap Road east of the East Plant. The cinder pile includes 33 million tons of material including hundreds of thousands of tons of zinc and lead, as well as cadmium.

The lands were designated as a Federal Superfund site in 1983, which offered Federal funds for extensive studies and cleanup. As a result, the U.S. Environmental Protection Agency has had jurisdiction to require cleanup by Horsehead Industries and CBS (formerly Viacom). Horsehead’s obligations have been limited by a Federal bankruptcy decision.

Contaminants, including zinc, cadmium and copper, have been washed into the Aquashicola Creek and the Lehigh River. Elevated levels of lead have been found amount some children in the area. High concentrations of lead and cadmium have also been found in horses and cattle that grazed in the area. Monitoring is in place to check for groundwater contamination.

A Public Health Hazard assessment was completed. One of the major hazards involves exposure to cadmium, which can cause hazards at even low levels if they extend over a period of time. The State Department of Health has conducted educational efforts to help residents minimize their exposure, such as avoiding contact with soil that may be contaminated, not growing vegetables in soil that may be contaminated, and not eating fish from local waterways. The Department of Health also conducted programs to educate health professionals of the threats.

Sampling of soil was conducted at over 1,500 residential properties in Palmerton. Of these, 180 were found to have sufficient contamination that cleanup was needed, which occurred.

Four wells for the Palmerton water supply are located near the East Plant of Horsehead and the fifth well is located at the former West Plant of New Jersey Zinc lands. The Borough Manager reports that there has been no evidence of contamination of the water. Reportedly, most of the contamination has been found relatively close to the surface, while the Borough's wells are mostly 300 to 400 feet deep.

Roads were cut into the property in the early 1990s that were used for trucks to carry a mix of sewage sludge, lime and fly ash to the land to allow its revegetation. Efforts to plant trees were not as successful as had been hoped.

The responsibility for cleanup of the contamination has passed to CBS Operations, an affiliate of the TV Network. This responsibility passed through a series of corporations, including Gulf and Western, then Paramount, then Viacom and now CBS.

Approximately 2,000 acres of the Blue Mountain are being revegetated. Several environmental organizations are assisting efforts to plant natural vegetation on the mountainside using manure but not sewage plant sludge. This new effort uses grassland types of vegetation that can grow in shallow soil and that does not uptake the zinc into the plants. The goal is to produce vegetation, while keeping the zinc contained on-site in the soil. This method is being used on many areas of the Blue Mountain and Stoney Ridge. The revegetation of approximately 600 acres of public land, including land owned by the National Park Service, is planned to occur in 2008. The present intent is to not seek to reforest the land.

The Horsehead Corporation installed a system to divert runoff from around a large cinder bank and to treat contaminated runoff before it reaches the Aquaschicola Creek.

Land Use Plan Categories

Rural Preservation

In Lower Towamensing, most of the Blue Mountain (other than the Blue Mountain Ski Area) and many areas south of Stony Ridge Road should continue to be categorized as Rural Preservation. For conventional development, these areas should continue to require a 5 acre minimum lot size, and mainly allow single family detached houses. An Open Space Development option should be offered that would allow homes to be clustered on 2 acre minimum lots, provided at least 60 percent of the land was permanently preserved as open space. This open space would be valuable to buffer adjacent industrial areas and farms and to add land to the State Game Lands along the Blue Mountain. Most

of the adjacent south side of the Blue Mountain is already owned and maintained by the Game Commission.

Rural Conservation

Most of the undeveloped land areas in Towamensing and Lower Towamensing should be classified as Rural Conservation areas. For conventional development, a minimum lot size of 2 to 3 acres is recommended. Larger lots may be appropriate in areas with concentrations of very steep slopes. An Open Space Development option should then be offered, with minimum lot sizes of one acre, if a majority of the land area is permanently preserved.

For example, in areas of Towamensing Township, a 3 acre minimum lot size might apply for conventional development. Then one acre minimum lots could be allowed as an option if a minimum of 60 percent of the total land area was preserved in open space. In areas with a 2 acre minimum lot size, an option could be allowed for 1 acre minimum lots if 40 percent of the total land area would be preserved.

Portions of these areas are within Lower Towamensing's existing "Rural" zoning district. In these areas, quarries and landfills should no longer be allowed. Instead, quarries and landfills should be limited to industrial districts. A portion of a sand quarry along Golf Road adjacent to Palmerton is proposed to be added to the Industrial category for this reason.

The Rural Conservation areas are not anticipated to be served by central water or central sewage systems.

In portions of the Rural Conservation areas that have prime agricultural soils, landowners should be strongly encouraged to apply to have the County purchase their development rights. This program is described in the Natural Features and Agricultural Conservation section. Landowners may also wish to voluntarily participate in a Transfer of Development Rights (TDR) program.

Rural Residential

The Rural Residential areas are proposed to mainly provide for single family detached houses on ½ to one acre lots. If central water and central sewage services would be provided, and land would be preserved under the Open Space Development option, then smaller lots may be appropriate. This category includes undeveloped areas of Bowmanstown with many natural features, plus the existing Beltzville Lake Estates subdivision off of Forest Street along Towamensing's northern border.

Low Density Residential

These areas should mainly provide for single family detached houses (and possibly side-by-side twin homes and townhouses on larger sites in Palmerton) at an average of 1 to 4 homes per acre. In the townships, where central water and sewage services are provided, an Open Space Development option would be appropriate. Increased densities (such as an increase from 2 to 4 homes per acre) may be appropriate in the townships through a Transfer of Development Rights (option).

For example, in Towamensing Township, a one acre minimum lot size could continue to apply for conventional single family development. If a project involves central water and sewage services, and a minimum of 40 percent of the total land area would be preserved as open space, then 1/3 acre lots may be appropriate.

Medium Density Residential

These areas should provide for a variety of housing types at an average of 4 to 6 homes per acre. Increased densities (such as an increase from 3 to 5 homes per acre) may be appropriate in the townships through a Transfer of Development Rights (option). Among other changes, this Plan recommends removing the current R-4 zoning in many areas of Lower Towamensing along Fireline and Hahns Dairy Road, which currently allows 6 to 8 homes per acre.

An existing grouping of manufactured home parks on Smith Gap Road in southeastern Lower Towamensing and an existing manufactured home park south of 2nd St. south of Palmerton are proposed to be added to this category.

High Density Residential

These areas are proposed to include the highest density neighborhoods in Palmerton. An average density of 6 to 15 homes per acre is appropriate. Higher densities may be desirable for apartments that are limited to residency by older persons.

Resort and Recreation

This category includes the Blue Mountain Ski Area and large adjacent areas. The current zoning allows hotels, single family homes, twin homes, townhouses, apartments, recreation uses and entertainment uses. Under the current zoning, retail and service businesses can also comprise up to 10 percent of the land area of a development. A maximum average density of 5 homes per acre is currently possible, which can be increased to up to 10 homes per acre if the Planned Residential Development (PRD) option is chosen. That PRD option requires a minimum of 20 acres and the preservation of a minimum of 20 percent of the tract preserved as non-commercial open space.

When the zoning district was approved, the expectation was that new housing would mainly be timeshare or other seasonal housing in a condominium type of arrangement that would not generate additional school students. However, the housing could also be year-round. This Plan recommends that the highest densities only be possible for housing that is limited to seasonal or time share use.

Village

This category is proposed to include the village of Little Gap, land along Forest Inn Road south of Hahns Dairy Road, and land along Little Gap Road in Aquashicola. Portions of these areas in Aquashicola are proposed to be served by public sewage service in the future.

New development is proposed to be developed in a manner that is consistent with older patterns of development. For example, at best, parking would be located to the side or rear of buildings.

These areas should provide for less intense types of commercial uses that would be compatible with nearby homes and that would not create traffic conflicts along the narrow twisting roads. These uses may include small retail stores, personal service uses, offices, day care centers, places of worship and banks. Where public sewage service would be provided, a mix of housing types should be possible, at a density of up to 6 homes per acre. The current C-1 zoning allows densities of up to 12 to 15 homes per acre.

Neighborhood/Downtown Commercial

This category includes Downtown Palmerton, the center of Bowmanstown and most existing commercial areas of Route 209 in Towamensing Township. The goal is to provide for types of commercial development that are compatible with nearby homes and that are less likely to spur large scale demolition of older buildings. These uses may include retail stores, personal service uses, offices, day care centers, places of worship and banks. A variety of housing should also be possible.

In Downtown Palmerton, the goal is to promote types of commercial uses that will not spur large-scale demolition and that will be more pedestrian -friendly.

Commercial zoning along Route 209 should continue to be limited to areas where there already are concentrations of commercial uses. The intent is to avoid a continuous commercial strip along the length of Route 209, while supporting businesses where they have historically existed. This category also includes an existing commercially-zoned area along Pohopoco Road north of the Lake. Only less intense types of commercial uses are appropriate along sections of Route 209 that also include many homes. The curvy features of Route 209 to the west limit the road's ability to handle heavy truck traffic from the Turnpike exit. A balance is needed between providing opportunities for new business growth vs. allowing the road to handle through-traffic. Access management methods should be used in the location and design of any new commercial areas.

General Commercial

This category is proposed to provide for a wide range of commercial uses, including intense types of uses such as gas stations, auto repair and 24 hour businesses. It includes the Country Junction and the center of Trachsville along Route 209, as well as the eastern commercial segment of Delaware Avenue in Palmerton east of 8th Street and the western parts of Mauch Chunk Road. New General Commercial areas are proposed east of Aquashicola along the north side of Little Gap Road.

Industrial

The main Industrial areas are the former New Jersey Zinc West Plant in Palmerton, the Horsehead East Plant, and an expansive area along both sides of Little Gap Road in Lower Towamensing. These areas should provide for a wide range of industrial uses, but the most intensive types of industries should need conditional use approval from the Supervisors or Borough Council or special exception approval from the Zoning Hearing Board.

The former West Plant site is in the western part of Palmerton, west of Route 248. The 121 acre site is currently being offered for sale. The asking price has been substantially reduced from the past. The

site includes a few vacant industrial buildings, but has mostly been cleared. The land has rail access, including sidings. The real estate listing promotes use of the site for manufacturing and distribution (trucking/warehouse) uses. The assumption is that the land would not be suitable for residential growth because of past contamination. Development of large paved parking lots can actually help in containing any contamination of the subsurface. For that reason, uses such as auto sales might be ideal.

The Industrial areas may provide for certain types of complementary commercial uses, such as auto sales, auto repair, day care and exercise clubs. One big question will be whether to allow additional types of commercial development in these industrially zoned areas. Ideally, the lands would be developed in a manner that would not generate excessive amounts of tractor-trailer traffic, that would not be a nuisance or hazard for nearby homes, and that would not cause excessive competition with retail and restaurant businesses in Palmerton's downtown.

The East Plant of the Horsehead Corporation is one of the two largest employers in the area. The plant uses kilns to produce concentrated zinc material that is mainly used in smelting facilities in other locations. The plant also produces powder metals that are used in alloys. The company is currently emphasizing the recycling of zinc.

Industrial development is being promoted in the South Carbon Business Park along the north side of Little Gap Road east of Aquashicola. The site includes a cul-de-sac road serving 61 acres. One of the main limitations of the site is that it relies upon individual wells and on-lot septic systems. That limits the number of employees and the types of industrial processes that can be accommodated.

The South Carbon Business Park is part of a State-designated Keystone Opportunity Zone (KOZ). Businesses that locate within this area can receive reductions in many types of State taxes, including on sales taxes of items purchased by that business. The businesses also avoid most property taxes. The tax benefits were originally designed to extend a total of 10 years, and expire in approximately 2010.

A major vacant industrial building is vacant and for sale on the south side of Little Gap Road in Lower Towamensing. This is a 32,000 square foot one story industrial building constructed in 1964.

A major emphasis should be placed upon extending central sewage service to these industrially zoned areas along Little Gap Road in order to attract new employers. Little Gap Road should also be improved with better shoulders so that it can handle additional traffic.

Industrial/Commercial

This category includes the former Prince paint complex near Route 248 in Bowmanstown as well as an area of south 3rd St. in Palmerton. These areas are intended to provide for a wide range of industrial and commercial uses.

The former Prince plant is currently being used to store trucks and material by a local business. The expectation is that eventually the buildings will be demolished and replaced by new commercial development.

Mixed Business or Residential Uses

Palmerton's current PD Planned Development zoning district includes most of the undeveloped non-industrial land in the Borough, including land north of Mauch Chunk Road in the western part of the Borough. The intent was to give flexibility to have this land be developed residentially, commercially or light industrially, provided that it occurred in a coordinated and unified manner. Therefore, most new uses currently need conditional use approval from the Borough Council and have to show that the development will be compatible with its surroundings. An area close to existing homes and that has access to existing streets is proposed to be changed from PD to Medium Density Residential.

Transfer of Development Rights (TDRs)

This concept should be a voluntary option in the Zoning Ordinances of the townships. TDRs offer incentives for private developers to pay to preserve land. If a developer of one tract of land pays an owner of another tract to permanently preserve his or her land, then the developer could receive approval to build at a higher density on the developer's tract. The tract that receives the higher density would need to be in an area that the township has designated as being suitable for a higher density. The tract that would be permanently preserved would need to be in an area that the township has targeted for preservation. The developer and the owner of the open land would negotiate on their own to determine how much the developer pay to the other landowner for the preservation.

- This method allows development to be shifted from locations where preservation is desired to allow a higher density on other tracts in a township that are well suited for development.
- The township would then approve the development at a higher density at the same time as a conservation easement went into effect to preserve the other land. The preserved land would remain privately owned but could never be developed. The preserved land could be re-sold and could be used for agriculture or certain open space uses.
- For example, this process might allow preservation of land in the Rural Conservation or Rural Preservation District, in return for allowing a higher density in a Low Density Residential or Medium Density Residential District. Or, density might be transferred from one part of a Rural Residential District to another part of the Rural Residential District.
- The number of homes that could be transferred from one tract to another tract would be based upon a "Yield Plan." This sketch plan would show how many homes would have been permitted on the tract that is to be preserved. Once the township accepts this Yield Plan, that number of homes could be transferred from one tract to another tract. However, there would still be limits on the density of the tract being developed to make sure that it is not excessive.
- TDR can also be used in combination with commercial development. For example, for every housing unit that is transferred from one area of a township, an additional amount of building coverage or impervious coverage could be allowed in a business district.

Extend the best features of older development into newer development.

Consideration should be given to strongly encouraging forms of “traditional neighborhood development.” This involves extending the best features of the older areas into new neighborhoods. As discussed later in this Chapter, this concept also involves making sure that development or redevelopment of lots within older neighborhoods occurs in a way that fits within the “urban fabric.” This concept is illustrated on the sketch on page 41. Traditional neighborhood development primarily involves the following:

- Street trees should be planted to eventually provide a canopy of shade over streets. Studies show that mature street trees can increase the value of homes up to 10 percent. If it is not appropriate to have shade trees in the right-of-way, they can be required immediately outside of the right-of-way.
- Requiring that new street lights meet a certain design standard that is similar to older styles of street lights. Any street lights should be shielded to prevent glare and night glow into the sky, and should have a limited height.
- Sidewalks should be provided (or asphalt paths along main roads in rural areas). There should be an orientation to pedestrians, with an ability to walk or bicycle to stores, schools and parks. Overly wide residential streets and intersections should be avoided to discourage speeding and to make it easier for pedestrians to cross the street.
- A modest density should be encouraged that is similar to the typical development that occurred during the 1930s through 1940s. This density should make best use of available land, while avoiding overly dense development and parking problems. In most cases, this will require use of central water and sewage services. However, a traditional village type of development can also occur with on-lot septic systems if there are very deep lots extending back from the road.
- Whenever practical, parking should be located to the rear or side of buildings, so that the front yard can be landscaped. At best, parking and garages would be placed to the rear of lots, with access using alleys. This design avoids conflicts between sidewalks and vehicles backing into the street, and allows the entire curbside to be available for on-street parking.
 - If rear access to garages is not practical, then garages should enter onto the side of homes whenever possible, particularly on corner lots. If a front-entrance garage is proposed, it should be designed so that it is not an overly prominent part of the street. For example, a one lane driveway can pass along the side of a house and then widen to enter a two-car garage that is setback from the front of the house. "Snout" houses should be avoided that have a front entrance garage as the home's most prominent feature.
 - Care is needed to discourage new twin and townhouse development that has numerous driveways entering directly onto a street from the front. Garage doors should not be an overly prominent part of the views of housing from the front. Where garages and parking cannot be avoided in the front yard, larger lot widths should be required to

make sure that there is green space in the front yard. Regulations are needed to make sure that the majority of the front yards of housing developments are not covered by paving.

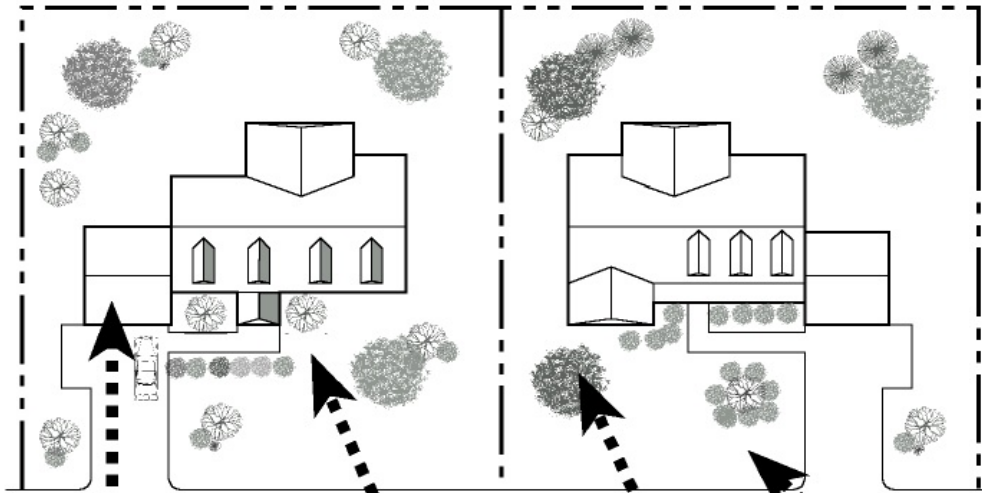
- Buildings should be placed relatively close to the street, with front or side porches, to encourage interaction among neighbors. On a corner lot, a side porch can have the same effect. If residents spend time on their front porch, they can help oversee the neighborhood and report suspicious activity to the police.

Under the State Planning Code, a municipality can require some of these features in zoning ordinances in older areas. For example, in older areas, a maximum building setback could be established from the front lot line along a street. Driveways and garages could be required to have access from an alley, where it is available. New vehicle parking can be prohibited in locations that are between a new building and a pedestrian-oriented main street (such as Delaware Avenue in the Downtown). That provision pushes most parking to the rear or side of buildings.

In addition, a municipality could offer density incentives for this type of traditional development in entirely new development areas through use of an optional “overlay” district. Traditional Neighborhood Development can be particularly attractive to developers by allowing single family lots that are more narrow than would otherwise be allowed. This reduction in lot width can result in dramatic reductions in the average costs of improvements per housing unit. Allowing relatively narrow single family detached lots can also provide an alternative to building townhouses - at the same density.

Suburban vs. Neotraditional Design

Suburban Design

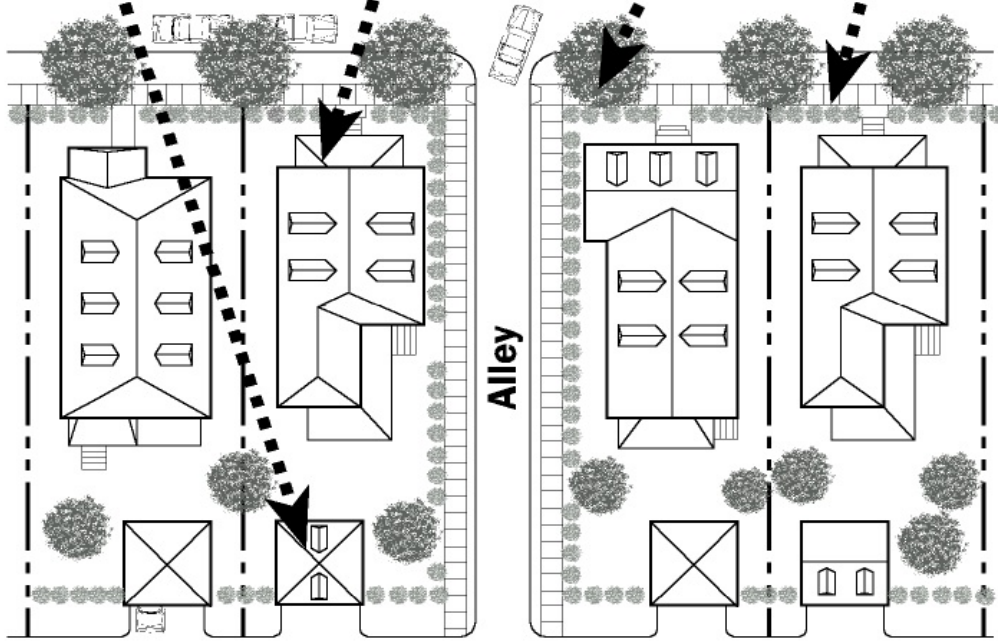


Garages forward
Garages on alleys

Deep front yards
Shallow yards, porches

Trees in yards
Trees along street

No Sidewalks
Sidewalks



Alley

Alley

Neotraditional Design

Traffic Access Control

If traffic access onto a major road is properly managed, the road will be able to safely handle large volumes of traffic. However, if a road combines a large number of business driveways entering a road at many locations, there will be right-hand turns and left-hand turns at many locations. The constant stopping and starting from these turns greatly affect the smooth flow of vehicles and create safety hazards. This is known as “strip” commercial development. Great care should be used to avoid long new extensions of strip commercial development along roads such as Route 209.

At best, intense business development should be concentrated in well-planned developments with internal roads that access a major road with a traffic signal and turn lanes. Where a traffic signal is not warranted at the present time, there should still be a plan for where traffic signals are intended to be built in the future. This will allow driveways and street intersections to be directed towards those intersections so that the traffic signal will be well-placed in the future. Where traffic signals are not appropriate, adjacent commercial uses should have shared driveways and interconnected parking lots. The interconnected parking lots are particularly valuable so that a person can visit more than one adjacent business without having to enter and re-enter a major road.

Traffic Impacts of Various Types of Development

Various types of development generate differing amounts and types of development. For example, the average apartment or townhouse generates less traffic than the average single family detached dwelling. The average age-restricted housing unit generates less traffic than a home that is not age-restricted.

The amounts of traffic generated from development is typically measured as peak hour traffic and total average weekday traffic. Some uses, such as shopping centers and places of worship, may generate their own peak traffic during weekends. Peak hour weekday traffic deserves the most attention. Business offices typically have some of the highest peak hour traffic generation.

Particular care needs to be taken in the location of industrial uses. Most industrial uses generate tractor-trailer truck traffic, which consumes a great amount of capacity on the road system and at intersections. Also, tractor-trailers need sufficient maneuvering space to turn at intersections. Because of the inadequacy of the road system and the many areas with steep slopes, few new land areas are proposed in this Plan for new industrial development where it did not historically exist.

Ordinances of Palmerton and the townships should require a traffic impact study for all major developments. That study should also address traffic safety hazards, and require that the applicant state whether they agree to fund or construct any road improvements.

Strengthening Older Residential Areas

This section recommends actions to stabilize and improve older residential neighborhoods. Stable neighborhoods are not only important to provide desirable places to live, but also to protect the health of nearby business areas. If the residential areas deteriorate, they will cause crime and vandalism problems that will discourage business activity. If the surrounding residential areas are strengthened,

they will provide a strong base of customers who will hopefully find the downtowns a convenient place to serve their shopping and service needs.

To maintain its economic health, it is important to continually work to attract and retain middle-income households in older areas. This is particularly true because there will always be existing residents moving into newer houses, and because there will always be older residents who will be moving to nursing homes, personal care centers or retirement communities. To maintain the same owner-occupancy rate, there needs to be a continual stream of new home-buyers.

Promoting Home Ownership - Many households could afford the monthly costs of owning a home, but do not have sufficient savings for the closing costs and downpayment. These households need to be linked with available programs to help them achieve home ownership, such as programs of the PA. Housing Finance Agency and the Federal Housing Administration.

Maintaining Housing Conditions - It is important to prevent blight and deterioration before it occurs. A single problem property can encourage responsible residents of nearby properties to move out of the neighborhood and can discourage new home-buyers from investing in the neighborhood. A problem property can also discourage homeowners from investing in improvements to their home because they do not believe they will be able to see any return on their investment if they sell.

To promote home ownership and neighborhood stability, and to avoid parking problems, the conversions of existing one family homes into additional numbers of housing units should be prohibited or very strictly regulated in most areas. This policy is already in effect in most of Palmerton and Bowmanstown. Owner-occupied housing typically has a much higher level of property maintenance than older renter housing. Types of new housing should be promoted that are most likely to be owner-occupied, such as singles, side-by-side twin homes and townhouses, as opposed to apartments or one unit above another unit. Exceptions could be provided in zoning regulations to allow limited conversions of unusually large existing homes.

The boroughs must continue to emphasize enforcement of the basic property maintenance codes to require property-owners to: a) properly maintain their buildings or b) sell the buildings to another party who will make the needed improvements. The goal in code enforcement must be to intervene before buildings deteriorate to the point where it is no longer cost effective to repair them. If property-owners are forced to complete basic maintenance and repairs in a timely manner, severe deterioration can be avoided.

Emphasize housing rehabilitation - Most housing efforts primarily involve low-interest loans to rehabilitate homes owned by households with low or moderate incomes. Expanded marketing efforts are needed to make sure that eligible owners of properties in need of rehabilitation are aware of the financing programs that are available. Particular attention needs to be paid to low-income resident owners of property who need to make improvements to comply with municipal codes. For example, buyers of older homes should be encouraged to take advantage of the Federal Housing Administration's 203(k) program. This allows a homebuyer to receive a single loan to purchase a home and to complete a major rehabilitation of it.

Densities - This Plan does not recommend providing areas for new high density residential development. Instead, the intent is to maintain a moderate density in most of the older areas. Higher

densities should only be considered for: a) housing developments that are limited to senior citizens and the physically handicapped, and b) the conversions of older non-residential buildings into condominiums or apartments, particularly if the building is near existing residential areas.

Density bonuses should be considered for developments limited to persons age 55 and older and their spouses, with no children under age 18. These density bonuses are logical because the typical household of older persons generates less traffic, less need for parking and less water and sewage usage compared to other types of housing. Housing for older persons also does not generate additional public school students, thereby avoiding negative impacts upon school finances.

Compatibility in Uses - It is important to protect older residential areas from incompatible development. This is a particularly a concern in older areas where there is typically a relatively dense mix of commercial, industrial and residential uses, with small setbacks.

In commercial areas near neighborhoods, the types of commercial uses should be carefully controlled. Most commercial areas near neighborhoods should not allow for heavy commercial uses, such as gas stations, 24 hour convenience stores, taverns, nightclubs and auto repair. Where practical, the hours of operation and hours of trucking activities should be controlled (such as conditions upon any zoning hearing board approval that is needed). Other problem uses should be very carefully controlled or prohibited, such as after hours clubs that are open after 2 a.m. The zoning hearing boards should carefully review changes to existing business uses in residential zoning districts (which are called "nonconforming uses") to make sure they will not harm the neighborhood.

DOWNTOWN PLAN

Strengthening Downtown Palmerton

This Plan seeks to strengthen Downtown Palmerton as the business, cultural and civic center for the region. The Nationwide Main Street Program can serve as a model for revitalization. It stresses four major approaches:

- Organization and Cooperation - To have a strong organization of all interested parties working cooperatively in partnership to carry out needed actions. A staff-person with the Delaware and Lehigh Corridors Commission provided organizational assistance to Palmerton and other boroughs in the area. However, that funding is expiring.
- Design and Renewal - To improve the physical environment including the “streetscape” and the attractiveness of the fronts of buildings (particularly through rehabilitation of historic features), and providing adequate parking.
- Economic Development - To recruit and retain businesses and investors to expand job opportunities and generate additional local tax revenue. To provide information to support new business development. To maintain regular contacts with existing businesses to help them remain and grow in the downtown.
- Promotion - To market the downtown with a unified identify. To use special events to attract new customers and businesses. To emphasize high-quality distinctive products and services, including businesses serving a special market niche that is not served by mass-market discount retailers.

Improving Appearance - The appearance of the downtown can impact the ability to attract businesses and customers. Appearance is particularly important for destination-oriented businesses, such as antique shops, gift shops and clothing stores. Special attention is needed to the major entryways to the downtown - because first impressions matter. For most people, Delaware Avenue represents the most highly visible “face” of the town and the region.

Palmerton has received a Federal enhancement grant to install decorative streetlights and other improvements in one block of Delaware Avenue in the center of town. This is intended to be an initial phase that would be extended to other blocks in the future.

A set of public improvements should be selected, such as street lights, street trees, traffic signal poles, benches, trash cans and sidewalk paving accents. This could allow some features to be replaced gradually over time, following a pattern that will eventually be consistent. For example, if an existing unpainted aluminum traffic signal post needs to be replaced in the future, it should be replaced with a post that is coated with a dark color. On their own property, property-owners can also be encouraged to plant species of trees and install light fixtures that follow the overall scheme.

A Facade Improvement Program involves working with private property-owners to encourage them to improve the appearance of the fronts of their buildings. In the past, Palmerton has had funds available to offer matching grants or low-interest loans for this purpose. It would be desirable to reactivate this program with new funds. The funding typically is provided by a State grant, a loan pool by banks or a donation from a corporation. The improvements typically must be approved by local committee. A set of design standards for this program was already prepared for Palmerton. The emphasis should be placed upon improvements that restore or uncover historic architectural features or that are generally consistent with the historic architecture of the corridor. The goal is not only to make buildings more attractive, but also to make business entrances more inviting to customers. Many types of facade improvements can be made with a low cost, such as a well-chosen color scheme or addition of awnings.

Additional decorative banners can add a great deal of color and help to provide a sense of unified identity.

Street Trees - Street trees are important to make older areas more attractive and to make walking more pleasant during the Summer. Species of street trees can be chosen that do not obstruct the visibility of businesses and do not cause damage to sidewalks.

One ideal species is Zelkova. The Zelkova species includes strong well-shaped attractive trees that is similar in appearance to an Elm. Because they have a medium mature size, they are less likely to create conflicts with the many overhead utility lines or grow against buildings than larger trees (such as oaks). At the same time, Zelkovas are large enough to create a shaded canopy effect and to not obstruct pedestrians with low horizontal branches. Another ideal species is Little Leaf Lindens.

In some places, there may not be enough room within the right-of-way to plant new trees. In these cases, cooperative efforts could be made with property owners to plant trees just outside of the right-of-way.

One way to carry out a street tree planting program at little public expense would be to ask adjacent property-owners to pay the purchase price of street trees. The borough would then buy the trees in bulk, select the best locations for the trees considering underground utilities, and then have a contractor do all of the planting at one time. This would minimize the costs and paperwork for each homeowner. It also would ensure that the street trees would be located where an adjoining property-owner is interested in helping to maintain the tree - because that landowner volunteered to pay for it.

Pedestrian Safety - At some times of the day, it is difficult for pedestrians to cross Delaware Avenue. Pedestrian crossings are particularly troublesome for senior citizens and persons with disabilities who cannot walk very fast. Some vehicles making right-hand turns do not even look to see if a pedestrian is crossing. Unfortunately, few motorists comply with the State law regarding pedestrian crossings.

Crosswalks should be highly visible. Where the most pedestrian crossings occur, it is desirable to use different paving patterns to make the crosswalks very visible. This may include patterned asphalt, such as asphalt that has the appearance of brick. The color increases the visibility and the texture makes a noise that discourages speeding.

Some municipalities have crosswalks that are raised slightly above the road pavement. These are called “speed tables.” They work to slow traffic down like a speed bump, but they are much less abrupt. This technique is described further in PennDOT’s Traffic Calming Handbook, which can be viewed for free on PennDOT’s website.

At some locations, it is desirable to extend curbs outward at intersections so that pedestrians do not have as long a length of street to cross. These extended curbs may also slow down the speed of vehicles that are turning, which reduces hazards to pedestrians. These curbs are known as "Bulb-Out Curbs." These extended curbs should be avoided at intersections with heavy truck or bus traffic.

A short raised landscaped center median can be helpful in some instances to provide pedestrians a safe refuge while crossing a main street. The median allows pedestrians to cross one lane of traffic at a time, as opposed to having to wait for both directions to be clear. The median can be used where there is no need for a turn lane. A portion of the median should have a flat area that also provides a refuge for a person crossing the street in a wheelchair.

Some communities even have lights built into the crosswalk that are activated when a “Walk” signal is on.

The use of “Stop-Pedestrian Crossing” signs should be re-instituted in the middle of downtown streets at key crosswalks during peak periods of activity. The signs should be removed at night to avoid theft.

Sidewalks - This Plan does not recommend multi-million dollar expenditures on entirely new brick sidewalks and placing utilities underground. However, if a sidewalk does need to be replaced, consideration should be given to adding some decorative paving patterns, such as a row along the curb that has the appearance of red brick. (Note - In downtowns patterned concrete is often used in place of actual brick, because it is less likely to break apart.)

Utility Lines - Palmerton is fortunate that most utility lines are not along the fronts of buildings on Delaware Avenue. Any future utility lines should continue to be placed to the rear of buildings.

Parking - It is essential to not only provide sufficient amounts of parking, but also to properly manage the spaces that are available. Parking demands along various parts of the Downtown should be periodically re-examined to determine if there are needs for various maximum time limits. Some spaces might be limited to very short time limits, such as 15 minutes, if they are in front of a business with many people making short visits. In other areas, a 2 hour maximum limit may be appropriate. In areas with less demand, there may not be any need for any time limits. The goal is to make sure that the spaces that are most in demand are available for continual turnover by many customers. If prime parking spaces are allowed to be occupied by one vehicle for an entire day, persons wishing to visit a downtown business for a quick trip will turn away and not return.

Palmerton should not try to replicate suburban parking or it will destroy the historic character and streetscape that makes the town special. However, there may be additional opportunities over time to provide additional parking, particularly by demolishing accessory buildings and underused rear extensions of buildings in the inside of blocks. This is a method to increase parking supply without harming the “face” of the downtown along main streets.

Marketing and Promotion - Marketing efforts are needed to persuade persons visiting the area to visit downtown businesses. Persons traveling the Route 248 corridor who can be encouraged to stop on their way to and from their destination. Persons working nearby should be encouraged to visit downtown businesses during lunch-times and immediately after work. Persons who are already visiting another business in the Downtown, should be encouraged to visit additional businesses

It is difficult for a business to be successful it is not open during the hours when most people have free time to shop - which is evenings and weekends. At the same time, operators of small family businesses often are over-extended with long hours. One option on weekdays would be to shift from 10 a.m. to 5 p.m. to 11 a.m. to 6 p.m. business hours. Moreover, it may be possible to emphasis a single weekday shopping night when most businesses would be open.

Special Events - Special events are important to bring people into the downtown so that they can see what is available. Even if these visitors do not purchase many goods or services on the day of the event, they are much more likely to come back another day. Many area residents have gotten out of the habit of shopping in a downtown. Special events can provide the motivation for them to return. Special events featuring children are particularly valuable in attracting their parents and other relatives to the downtown. The biggest event in the Downtown is the Palmerton Community Festival.

Organization and Promotion - It is important that downtown businesses and property-owners be organized, particularly to put together joint promotions, joint marketing and special events. Many individual businesses have little money to advertise individually, but when their resources are pooled, they can afford joint advertisements and flyers and other promotions. This type of advertising is particularly important because the goal is to get customers to visit more than one downtown business at one time.

Financing - Any grants and low-interest loan programs should be geared towards physical improvements that will have long-term benefits, regardless of what business occupies a particular space. Low interest loans and grants are particularly valuable for improvements that are appearance-oriented, such as historic rehabilitation.

Financing programs can be valuable to spur intensified use of upper story spaces, such as for market-rate apartments or offices. Large expenses can be needed to meet fire safety requirements if the use of upper story space is changed. For example, if storage space is proposed to be converted to apartments, then a second fire-safe stairwell and fire-resistant wall and ceiling separations are often needed.

Moderate the Supply of Commercial Zoning - If an excessive amount of commercial zoning is allowed at one time, it may encourage sprawled development, with businesses simply relocating from one business site to a new site, leaving the old site vacant. However, if the supply of commercially zoned land is held to a moderate amount, it will encourage rehabilitation and redevelopment of older commercial sites.

HISTORIC PRESERVATION PLAN

The Palmerton Area has a rich heritage, as described in the “Overview of the Region’s History” section in the Appendix.

The following are examples of important historic buildings in the area, in addition to many scattered old farmhouses.

Former Kern House - 3330 Fireline Rd, Lower Towamensing
Slate Quarry - Corner of Forest Inn and Hahn’s Dairy Rd., Lower Towamensing
Fireline Hotel, Fireline Road, Lower Towamensing
Covered Bridge, south of Little Gap, Lower Towamensing
Boyer’s Farm, Boyer’s Farm Rd., Lower Towamensing
Buck’s Tavern, Little Gap, Lower Towamensing
Covered Bridge Inn, Little Gap, Lower Towamensing
Stone Farmhouse, Fireline Road near High School, Lower Towamensing
St. John’s Evangelical Lutheran Church - 2915 Fireline Rd., Lower Towamensing
Former General Marshall Mansion - Top of Lehigh Gap, Lower Towamensing
Tuthill Farmstead - Little Gap Road near Smith Gap Road, Lower Towamensing
Bowmanstown Borough Hall - 490 Ore St, Bowmanstown
Carbon County Model Railroad Society Headquarters (former Catholic Church) - Ore St., Bowmanstown
Stone House - Corner of Forge and Franklin Sts., Bowmanstown
Hotel - Corner of White St. and Fireline Rd., Bowmanstown
St. Vladimir’s Ukranian Byzantine Church - 106 Delaware Av., Palmerton
St. Peter and Paul Greek Catholic Church - Franklin Av. and Church St., Palmerton
Snyders Evangelical Church/Little White Church - 911 3rd St. at Columbia St., Palmerton
Palmerton Library (former 1st National Bank of Palmerton) - 402 Delaware Av., Palmerton
Palmerton Borough Hall (former Neighborhood House) - 443 Delaware Av, Palmerton
Former Delaware Elementary School (now Apartments) - 140 Delaware Av., Palmerton
Former Straup House - 302-4 Lehigh Avenue, Palmerton
Municipal Services Building (former New Jersey Zinc Administration Building) - 4th St. and Delaware Av., Palmerton
Palmer-Franklin Education Center (former New Jersey Zinc Research Laboratory) - 4th St. and Franklin Av., Palmerton
St. John’s Episcopal Church and adjacent former rectory - 365 and 367 Lafayette Av., Palmerton
S. S. Palmer Elementary School - 3rd St. and Lafayette Av., Palmerton
Living Hope Lighthouse Church - 705 Third St, Palmerton
Franklin Apartments (former Franklin School) - 600 Franklin Av., Palmerton
Residence Park (former residences of New Jersey Zinc managers) - North of Columbia Av. west of 4th St, Palmerton
Holy Trinity Lutheran Church - 5th St. and Lafayette Av., Palmerton
Sacred Heart Roman Catholic Church - 243 Lafayette Av., Palmerton
Former Bowman House - 1030 Mauch Chunk Rd, Palmerton
Inn of William Stoddard, Stemlersville, Towamensing

Bridge near 5735 Pohopoco Dr., Towamensing
Lower Pine Run One Room Schoolhouse, Towamensing
Dear Lane Kibler One Room Schoolhouse, 6495 Pohopoco Dr., Towamensing
Stone Bridge, south of Wild Creek Reservoir spillway, Towamensing
Jerusalem UCC Church, Church Dr., Trachsville, Towamensing
Anthony's Bank Barn, 465 Stagecoach Rd., Towamensing

Consider historic zoning provisions to protect the most important historic buildings.

Some form of zoning provisions should be considered by each municipality to protect important historic buildings. This could include historic building provisions that would create a layer of provisions in addition to standard zoning. These provisions could be created under the authority of the State Municipalities Planning Code (MPC), as opposed to the State Historic District Act (which is much more difficult to use).

Unlike a historic district ordinance, zoning regulations on demolition would not regulate changes to buildings, such as window replacements or installation of siding. These zoning provisions also would not regulate the architecture of new construction or building additions. Instead, these historic zoning provisions could be limited to only regulating demolitions of the most important buildings. For example, the zoning ordinance could require that any demolition of a very significant historic building need zoning approval from the Board of Supervisors or Borough Council as a "conditional use" or from the Zoning Hearing Board as a special exception use. The demolition would only be allowed if the applicant proved that the building could not be economically reused or that the demolition is necessary to allow a project of special public importance (such as an intersection improvement needed to improve public safety). This prohibition on demolition would only apply to buildings listed by the municipality as the most significant.

In addition, a municipality's ordinance could require that any application for a proposed subdivision, land development, conditional use or special exception use must include a full description of any historic building on the property and how the application may adversely affect the building. The Zoning Hearing Board could also be authorized to consider impacts upon historic buildings in determining whether to approve a special exception use or a variance.

An alternative to regulating demolition could involve a simple delay of up to 90 days from the time a person applied for a demolition permit until it could be approved. This delay would only apply to a list of important historic buildings. This delay is intended to provide time for interested persons to convince a property owner that there are alternatives for demolition. For example, a new buyer might be found who would be willing to restore the building, or the owner might be persuaded to incorporate the building into his or her plans for the property.

In any case, an exception should be allowed where a building inspector certifies that a building needs to be demolished because of an imminent public safety hazard.

Consider zoning incentives for rehabilitation of historic buildings.

If a designated building is preserved and rehabilitated in a sensitive manner, the zoning ordinance could allow the building to be used for certain additional uses beyond those uses that are normally allowed under zoning. Therefore, for example, an historic building in a non-commercial zoning district should be allowed to be used as a bed and breakfast inn, office, day care center, antique store, funeral home or similar light commercial use. This should help create a stronger market to encourage investment in the restoration of these buildings. These uses would only be allowed within existing buildings, plus modest-sized building additions that are designed to be compatible with the historic building as viewed from the road.

The zoning provisions could require an applicant to submit plans prepared by a registered architect showing that the important features of the building that are visible from a public road will be preserved and rehabilitated. Modern features could be added in areas that are not visible from a public road or street.

Promote increased interest and awareness in historic resources, and more detailed identification of historic buildings.

Increased public interest in historic buildings can help spur interest in persons buying and rehabilitating historic properties.

The Lehigh Gap Historical and Preservation Society is the lead historic organization in the area. They recently led the preparation of a fold-out Historical Tour brochure for the Palmerton Area. The Society collects information on the history and of the region and collects historic materials and photos.

A nomination is being prepared to have Downtown Palmerton listed on the National Register of Historic Places as an official Historic District. Efforts should be considered to list additional buildings on the National Register of Historic Places. Listing on the Register does not by itself involve any additional regulations upon a private property owner. It does offer public recognition of the importance of a building, and can provide limited Federal income tax benefits as part of a major historic rehabilitation of an investment property. Listing on the National Register provides protection against actions involving Federal or State funds in ways that would adversely affect the building.

Encourage property-owners to follow proper standards in making changes to older buildings.

It is important to make property-owners aware of appropriate ways that old buildings can be modernized or rehabilitated in ways that retain their historic appearance as viewed from a road or street. The following are recommended advisory guidelines (not regulations) for older buildings in the region:

1. Modern uses should be found for historic buildings that require minimal changes to the exterior features of the building that define the building's character.
2. Historic exterior materials and features should be preserved and not be removed or covered.

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3. A new building in a historic area does not need to appear old, but should include features that respect nearby historic buildings, such as similar massing, materials, window openings and scale.
4. If deteriorated historic features cannot be repaired, they should be replaced with new features having the same appearance.
5. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials should not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
6. The proportional relationship between the width and the height of the front of historic buildings should be maintained.
7. If doors or windows are replaced, the window and door openings should remain the same size.
8. Any rhythm of solid wall areas vs. windows and doors should be maintained.
9. Any new construction or additions should seek to continue setbacks from a road that are similar to nearby historic buildings.
10. Any rhythm of building projections should be maintained.
11. Materials should be used (such as brick, stone and older styles of siding), that is similar in appearance to authentic materials of surrounding buildings.
12. Roof shapes and roof lines should be maintained, and new buildings should have similar roof lines to nearby historic buildings.
13. Barn walls should be maintained in wood, preferably painted red, white or other historic colors.
14. Views of outdoor storage from roads and residential properties should be minimized.