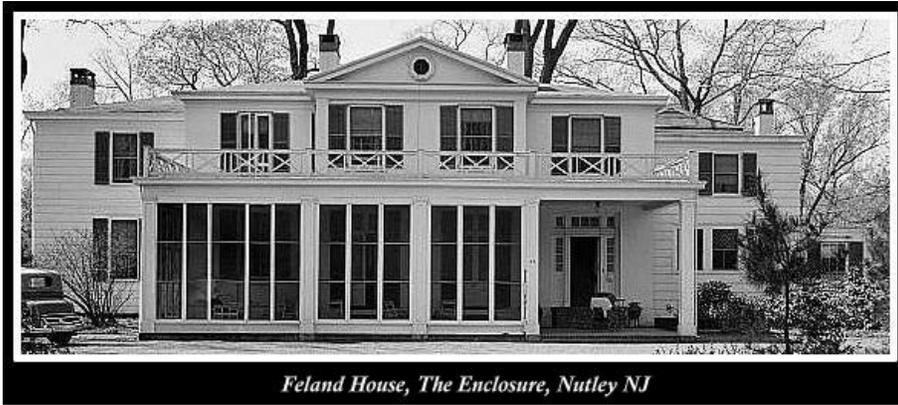


Historic Debate Over Historic District at The Enclosure in Nutley, New Jersey



(The Nutley Sun, Jan. 3, 1974) --THE ENCLOSURE: Nutley's most history-filled street, The Enclosure, first popped into the news in 1973 in mid- July when Commissioner John Lucy proposed 'Improving' that' street by adding a new sewage system Lucy also asked to construct sidewalks and curbs and widen the roadway to 30 feet.

Enclosure residents objected vehemently and a compromise agreement was hammered out where the roadway would still be widened but the sewer and sidewalk plan was to be dropped. However, Enclosure residents weren't satisfied and they retained the services of Kearny attorney David A. Biederman to represent them. Biederman promptly obtained a restraining order from Essex County Court and the work plan was temporarily halted.

The Enclosure controversy lay dormant until near the end of November when it was learned that residents there had applied to the Department of Environmental Protection to make Nutley's lane a permanent historical site. Town officials listed several reasons why The Enclosure and its environs should not be made a historical site and to date no decision has been made. Should The Enclosure be made a part of the state's historic registrar the site-would remain "as is" unless special permission is obtained from the state to change the area.

The Town, of course, wouldn't like to see this happen because it no longer could 'improve' the street nor make any other repairs in the area without getting special permission from DEP. The final decision is in the hands of DEP Commissioner Richard Sullivan.

But 'Improvements' Asked

Enclosure Designated Tomorrow As a Historical Site

By John Bunevich

(Nutley Sun, Nov. 15, 1973) -- Town officials and Enclosure residents are on a collision course as two important developments last Friday, one favoring each side, do nothing but draw the opposing groups towards a direct conflict.

While the state Historic Sites Commission was proclaiming The Enclosure and its environs an official historical district, the Town, at the same time, was receiving a letter from the state Department of Transportation recommending that curbs and drainage be included in 'improving' the street Both developments took place Friday. Topping that is a pending law division suit in Superior Court challenging the validity of the Town's bonding ordinance regarding improvements on The Enclosure.

The Enclosure, a country-like lane set back from Passaic Avenue, has been the center of a heated controversy ever since early Summer when the Town attempted to 'improve' the roadway by widening it from about 24 to 30 feet. Many residents there objected to the 'improvement' and a compromise agreement has yet to be reached.

According to Mrs. Rosalie Scheckel, a spokesman for The Enclosure residents, received a telephone call last Friday from Terry Karschner, curator of historical sites for the state Environmental Protection Agency, notifying her of the street and surrounding area being made a historical district. Mrs. Scheckel said that besides The Enclosure being named an historic site, the Woman's Club on Chestnut Street; The entirety of Calico Lane; the Van Steen Home on Passaic Avenue; and Memorial Park from Chestnut Street to Vreeland Avenue have all also been placed on the state historical register.

David Biederman, attorney for Enclosure residents, reports that now that the Historic Sites Commission has proclaimed this district on the register, it is protected from physical alteration by any federal, state, or local group without first obtaining permission from the Commission.

That decision obviously affects the Town since the recent bonding ordinance by the Board of Commissioners calls for the widening of The Enclosure, now an official historic site.

Meanwhile Commissioner John Lucy, sponsor of the 'improvement' ordinance, is asking his colleagues on the Commission to make a decision regarding the Town's role in the future of The Enclosure. Lucy, in an official letter dated Monday, is asking the Commission's advice on what course of action to take regarding The Enclosure, in light of Friday's letter from the Department of Transportation.

Lucy further reports that he has no personal interest on whether or not The Enclosure is widened, but only wants to protect himself and the Town against any personality liability suits that may be brought against the Town. The Commissioner speculates that since The Enclosure is classified as 'unimproved' any damage or injury that may be incurred there may result in a liability suit against the Town.

"In pursuing the improvement of The Enclosure I'm only protecting my office and the interests of the Town, remarked Lucy.

The Public Works director said he will go out on bid for the improvement of The Enclosure, no matter what decision the Nutley Commission makes. Town Fathers can rule on either to keep the present plan which calls for only widening of the street, or revise the improvements by following the state Department of Transportation's recommendation to add curbs and a drainage system. Bids, according to Lucy, could be received during the winter months and work, hopefully, would begin in early spring.

The state Department of Transportation is funding the 'improvement' project to the tune of \$7,500 and it has stated that it will present the money to the Town whether Nutley follows its recommendations or not.

Commissioner Lucy has also said he has instructed Town Attorney James Piro to seek avenues of appeal to the state Historic Sites Commission decision regarding The Enclosure and its surrounding areas. One appeal method is going before state Environmental Protection Agency Commissioner Richard Sullivan for permission to 'improve' The Enclosure. However, Piro also indicated that the Town has the option to challenge the state statute regarding historical sites, claiming it is unconstitutional.

Still, attorney for Enclosure residents, Biederman states that since the Historic

Sites Commission ruling the burden of proof is now placed upon the Town and it will be difficult to seek an order by Nutley for any type of 'improvement' or physical alteration of that street.

On Enclosure Ruling

Objections Listed To Historic Site

(The Nutley Sun, Nov. 29, 1973) -- Commissioner Richard Sullivan of the Department of Environmental Protection is expected to rule in the near future on whether or not to make The Enclosure and much of its environs a state historic site. However, Sullivan has promised before rendering a decision to take into consideration the Town's objections to the recommendation by DEP's Historic Sites Commission.

More specifically, Sullivan has said he will thoroughly consider a letter of objection sent to him by Town Attorney James Piro at the request of the Nutley Board of Commissioners. Piro's letter details the Town's objections to the proposed historic site designation, and it also requests that a hearing be held on the merits of the designation.

According to David Poinsett, a director in the slate's Historic Sites Division, final recommendations and papers from his review board would reach Sullivan's desk sometime next week. But Poinsett said he had no idea how long it would take before the Commissioner ruled upon The Enclosure application. Poinsett further revealed that of the 180 odd applications sent to Commissioner Sullivan to be placed on the state's historic register, only "one or possibly two" had been postponed or held up for extenuating circumstances.

Meanwhile, in an act that apparently expressed confidence that Sullivan would eventually make The Enclosure an historic site, a pending suit by Enclosure residents against the Town in Superior Court has been dismissed without prejudice. However, The Enclosure residents' attorney, David A. Biederman of Kearny, did warn that should the Town take any action to "improve" the street he would be forced to return to court and seek another injunction.

Piro's letter sets forth two major reasons why the Town of Nutley should first be requested a hearing before Sullivan makes a final ruling. First, Piro claims the Town has insufficient material to determine what specific areas are being proposed as historic sites; and secondly, the town's objections are not uniform and pertinent to the three areas that are surmised as being designated.

Piro goes on to explain to Sullivan that because certain areas in The Enclosure environs are prone to flooding, naming the site as an historic area could hinder Nutley's ability to receive emergency flood funds there in time of need.

In addition, Piro states that Nutley has already made a provision on its own for what the Historic Sites Division is attempting to mandate. Piro cites a resolution adopted by Nutley on April 6, 1920, which protects the Memorial Park area, one of the sites being considered for the historic sites register, from 'encroachment upon by buildings, or used in any manner inconsistent with its designated purpose.'

Besides The Enclosure proper, surrounding areas reported being considered for the historical sites register, include the

Woman's Club on Chestnut Street the entirety of Calico Lane; the Van Steen Home on Passaic Avenue; and Memorial Park from Chestnut Street to Vreeland Avenue.

Once an Artist And Writer Colony

The Enclosure Captures Nutley's Historical Flavor

(The Nutley Sun, July 3, 1974) -- The Enclosure has long been the well-spring for Nutley's cultural heritage and, consequently, has played a vital role in directing the course of this town's history. Because of its historical significance the Enclosure was designated a slate historical site earlier this year.

Years ago, the Enclosure was recognized as the heart of a writers' and artists' colony which blossomed here after the Civil War and gave birth to the artistic spirit which prevails in Nutley to this day.

Those who pioneered Nutley's original art colony sought a peaceful place, convenient to New York City, to carry-on their creative endeavors. In Nutley, these men found a cordial community whose idyllic surroundings and quiet way of life provided an excellent environment for writing and painting. Before long, these talented and articulate people dominated the community's social life and helped to establish this town as cultivated family community.

Many of the earliest residents of the Enclosure were artists who had returned to this country from the art colonies in Europe. Among these well-educated men were Frank Fowler, Albert Sterner, Arthur Hoeber, and Frederick Dana Marsh.

It was Fowler, a noted painter who had just returned from extensive study in Florence and Paris, who constructed the first art studio in the Enclosure. In time, Fowler's studio became the most famous in this area because it was occupied successively by Frederick Dana Marsh and his sons, James and Reginald; by Guy Pene DuBois; and, then, by Nutley's renown contemporary artist, Michael Lenson.

Both Fowler and his wife were recognized for their excellent portrait work. Fowler also had a reputation as a fresco painter and is perhaps remembered most, in this country at least, for his ceiling frescos in the old Waldorf-Astoria.

Enclosure Historic District is a historic district located in Nutley, Essex County, New Jersey, United States. The buildings in the district were built in 1812 and were added to the National Register of Historic Places on December 31, 1974.

National Register of Historic Places listings in Essex County, New Jersey

National Park Service (2009-03-13). "National Register Information System". National Register of Historic Places. National Park Service.

"New Jersey and National Registers of Historic Places - Essex County" (PDF). New Jersey Department of Environmental Protection - Historic Preservation Office. January 10, 2010. p. 3.

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