

New Jersey has
many landmarks,
and many *kinds*
of landmarks,
but...

When is a Landmark a
LANDMARK
by Peter Primavera



Landmarks can be buildings, landscapes, sites of important events, archaeological sites, and more, but my focus here is to discuss the ways the word “landmark” is used under the many historic and cultural resource laws, regulations, and ordinances. I think if more of us had a better understanding about these different types of landmarks we would do a better job of prioritizing our preservation efforts and resources. Let me give you an example.

The Thomas Fortune House in Red Bank is a “National Historic Landmark.” NHLs are the 2,500 most-historically and culturally significant

sites in the country, as defined and determined by a rigorous process at the National Park Service. In fact, the federal legislation creating the NHL program is the oldest historic preservation law in the US. I won’t go into all the reasons Thomas Fortune was important, but I will add some citations in the references if you are interested. Fortune was one

of the most influential African American journalists in the 19th century, his contributions and work is essential to understanding journalism and African American history in American. His home in Red Bank has been owned by a family that has absolutely no interest in this history, the significance, or the NHL designation. As a private property, there are no federal, state, or municipal laws that can protect it. Red Bank has a Historic Preservation Ordinance, but its powers are limited to only an advisory capacity. Many efforts to preserve and protect the Fortune House have been made, but most have not fully incorporated the understanding that this is an NHL, a site of national significance, far beyond that of many local historic sites. Certainly the uncooperative owner has not helped, but in similar situations around the country the effort would have been elevated to include US Senators and Congressman, and the highest levels of state authority possible, to work out a solution. Instead—not to be critical of the tremendous efforts made by preservationists to date—those efforts have largely been local within the city and county government. While millions of dollars have been provided through county, state, and federal agencies to Monmouth County toward worthy preservation projects, this one continues to slide toward an almost certain demolition by neglect. Shouldn’t some understanding of this site’s significance and landmark designation been

Land•mark,*

[land-mahrk] *noun*

1: an object (as a stone or tree) that marks the boundary of land

2a: a conspicuous object on land that marks a locality

b: an anatomical structure used as a point of orientation in locating other structures

3: an event or development that marks a turning point or a stage

4: a structure (as a building) of unusual historical and usually aesthetic interest; *especially*: one that is officially designated and set aside for preservation

*as defined by Webster’s Dictionary

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sufficient to override other projects and issues so that the resources needed to save the property could have been found? I think a fundamental understanding of the NHL status and significance would have been extremely helpful to gather national attention and resources. In no way am I criticizing the valiant efforts by folks like PreservationNJ, Councilman Ed Zipprich, architect Michael Simpson, and others. I am only using this example to demonstrate how an understanding of the types of landmarks we have can help us prioritize our efforts and resources.

In fact, the New Jersey Historic Trust does give NHLs priority in their funding programs. Years ago when working on the preservation of Wilson Hall at Monmouth University, our applications for funding from the NJHT were given special consideration and priority because of the exceptional significance of Shadowlawn (now called Wilson Hall) as an NHL.

So you see my primary point. These various types of designations that are given to properties that we call landmarks have consequences. Let us then turn our attention to the types of landmarks here in New Jersey. These types exist in virtually every state, with some minor variations.

The work “landmark” is a generic term that identifies a property which has some type of significance. Typically their significance is of a historical or cultural nature. Significance can be evaluated because a property or site has an association to a person, place, or event of importance. The criteria often used to evaluate these sites are the National Register of Historic Places criteria, or something very similar. But the absence of criteria can be a very serious problem, as I will discuss later.

Typically, the standard, or yardstick we use to measure historical significance is the National Register of Historic Places criteria, but there are other ways to measure significance. There are tremendous resources online the help one explore and evaluate significance. Here are the NRHP Criteria.

NATIONAL REGISTER CRITERIA FOR EVALUATION

http://www.nps.gov/nr/publications/bulletins/nrb15/nrb15_2.htm

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of significant persons in or past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a

significant and distinguishable entity whose components may lack individual distinction; or

- D. That have yielded or may be likely to yield, information important in history or prehistory.

Criteria Considerations

Ordinarily cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties *will qualify* if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- a. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- b. A building or structure removed from its original location but which is primarily significant for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- c. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life; or
- d. A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- e. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- f. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
- g. A property achieving significance within the past 50 years if it is of exceptional importance.

I think is a well tested and useable way to measure significance. The thousands of properties that have been listed on the New Jersey and National Registers provide a substantial database and precedent for measuring significance in relation to similar sites. My friend Tom King, PhD is nationally known expert on the investigation and protection of historic sites, his books are essential reading for a serious preservationist.

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A further important problem is the absence of definitions about what makes something historically or culturally “significant.”

Tom has made the argument that the National Register Criteria fails because they do not sufficiently take into account the significance of a site to a particular group. By example, I might try to objectively evaluate a site that has an association to Native American history, but a Native American may have a far different understanding and interpretation of that site. This happened recently when a major offshore wind farm was proposed for the Narragansett Sound in Massachusetts. Conventional evaluation did not find the sound to be significance as a cultural resource, but to local Native Americans the sound had been considered a sacred place for hundreds, and maybe thousands, of years. So you see the distinction Tom and others are trying to make and advocate.

A further important problem is the absence of definitions about what makes something historically or culturally “significant.” Certainly the federal and state landmarks are defined by a precise process of evaluating significance as we just discussed. The word “significance” is clearly defined and explained. A problem I often encounter here in New Jersey, however, is a town like Millburn, which has had a historic preservation ordinance for a long time but failed to define “significance” in their ordinance—making the ordinance ripe for legal challenge and endangering the very sites it is meant to protect. The undefined criteria for significance create confusion among property owners who own local landmarked properties, and creates a perception that the ordinance and the HPC are applied in a capricious and arbitrary manner. This is certainly not to the benefit of the local landmarks, the property owners, the HPC, the local elected officials, and the economic value associated with the landmarked properties in town. This is an area, as the attorneys refer to it, which is ripe, meaning highly vulnerable to legal challenge.

Let’s make a list of the types of landmarks here in NJ, so we can examine them further. As you will see as you read toward the bottom of the list the definition of landmark may start to lose some application but we can discuss that.

Here are the legal designations for landmarks and potential landmarks which exist in New Jersey, starting from the international level of designation and significance all the way to the most local.

INTERNATIONAL LANDMARKS

World Heritage Site or International Historic Site [IHS], as identified by the World Monuments Fund or UNESCO. While many associate the Statue of Liberty with New York, it is, in fact, technically in New Jersey (though ownership is shared between us), and is our one IHS designated site.

<http://whc.unesco.org/en/list>

NATIONAL HISTORIC LANDMARKS

There are 55 of these sites in NJ, 2,500 in the country, each of them having been determined by the NPS to be nationally significant.

<http://www.nps.gov/nhl/>

National Natural Landmarks—These are sites of extraordinary natural beauty or value. Many have historical and cultural significance also. In New Jersey, the Palisades or Hutcheson Forrest are both NNLs.

<http://www.nature.nps.gov/nnl/>

There is also a group of sites that have been designated by a hodge-podge of processes, that indicate their national significances. Frankly, these forms of designation have often come from the US Congress and their efforts to recognize places significance, often in an “expeditious” manner. Some of these sites are also listed as NHLs or NR sites.

As the NPS states on their website: “The numerous designations within the National Park System sometime confuse visitors. The names are created in the Congressional legislation authorizing the sites or by the president, who proclaims ‘national monuments’ under the Antiquities Act of 1906. Many names are descriptive—lakeshores, seashores, battlefields—but others cannot be neatly categorized because of the diversity of resources within them. In 1970, Congress elaborated on the 1916 National Park Service Organic Act, saying all units of the system have equal legal standing in a national system.”

National Monuments—The most famous example in New Jersey is the Statue of Liberty. President Obama recently designated five National Monuments through an Executive Order.

National Battlefields—Gettysburg is one.

National Historical Parks—The very first of these is our own Jockey Hollow NHP in Morris County.

National Historic Sites—Usually, a national historic site contains a single historical feature that was directly associated with its subject. Derived from the Historic Sites Act of 1935, a number of historic sites were established by Secretaries of the Interior, but most have been authorized by acts of Congress.

http://en.wikipedia.org/wiki/List_of_National_Monuments_of_the_United_States

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In New Jersey we typically nominate a site to the New Jersey Register before it is then nominated to the National Register. But there are many example of sites that are one of the two registers and not the other.

National Memorials are commemorative of a historic person or episode; it need not occupy a site historically connected with its subject. There are 29 national memorials owned and administered by the National Park Service as official units. Five more are administered by other organizations but receive assistance from and are considered affiliated areas of the NPS. The Washington Monument, the Jefferson Memorial, and the Martin Luther King, Jr. Memorial are examples.

National Parkways are designated by NPS for the exceptional experience and access they provide. There are none in New Jersey.

National Register of Historic Places—This includes properties of National, State, and Local significance, and is the “register” most people are familiar. From Wikipedia, but I think this ia accurate: “The passage of the National Historic Preservation Act (NHPA) in 1966 established the National Register and the process for adding properties to it. Of the more than one million properties on the National Register, 80,000 are listed individually. The remainder are added to the National Register as part of districts or by individual listings.”

<http://www.nps.gov/nr/>

http://www.nps.gov/nr/national_register_fundamentals.htm

National Heritage Areas—In New Jersey, we have the extraordinary Crossroads of the American Revolution National Heritage Area which includes parts of 14 counties. This area has been specifically studied and recognized for its absolutely unique national significance. It is not a historic district but a slightly broader concept that allows many sites that had a role in the American Revolution to be included, recognized, and interpreted. This often leads to a great understanding and appreciation of the area and its constituent components. National Heritage Areas are managed by an organization and received specific funding from the federal government. We have the Crossroads of the American Revolution Association to manage the NHA.

<http://www.nps.gov/history/heritageareas/>

<http://www.revolutionarynj.org/>

National Wild and Scenic Rivers—These are often confused as landmarks, and understandably. The Delaware and the Cohansey Rivers both have this designation to acknowledge their special beauty and ecosystems.

<http://www.rivers.gov/rivers/>

The most common landmarks are identified and protected by the NJ Municipal Land Use Law...

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<http://www.nj.gov/dep/hpo/1identify/nrsr.htm#njnhrhp>

“Determination of Eligibility” (DOE)—Issued by the NPS, this is not an actual landmark designation, but it is extremely useful and important when using the federal historic preservation laws, because a property may not be listed on any federal register but it may be still protected under the law. A simple example would be an archaeological site that is discovered when planning to build a new highway. It may have never been know before, but this DOE designation would allow it to be evaluated using the NR Criteria and effectively certified as eligible for listing on the NRHP, and in doing so it is protected just as if it were already listed on the NRHP. Some of these sited given DOEs are never actually placed on the NRHP, but the NPS and SHPO at DEP maintains a detailed list of these sites.

http://www.nps.gov/nr/national_register_fundamentals.htm

“SHPO Opinion of Eligibility”—Issued by the NJHPO, it functions precisely the same way as the DOE, except that is much faster to gain this determination and protection. There are times when a SHPO Opinion is challenged and in that case the DOE evaluation is conducted by the NPS to make a final determination. Unfortunately, properties with DOE’s or SHPO’s Opinions of Eligibility are not protected by state law, only the national laws.

The Pinelands is a National Reserve—This is not a historic landmark designation but, as a National Reserve, the historical and cultural significance if the area is addressed and considered. The National Reserve also has a Comprehensive Management Plan that further identifies the types of natural and cultural resources that characterize the Reserve. In New Jersey’s Pinelands there are designated resources that hold significance because of the the history and context specific to the Pinelands. Certainly some of these sites are also NR eligible or listed on the NRHP, like Batsto Village.

<http://www.state.nj.us/pinelands/reserve/>

<http://www.state.nj.us/pinelands/cmp/>

MUNICIPAL LANDMARKS

The most common landmarks are identified and protected by the NJ Municipal Land Use Law which provides the power for municipalities to identify and protect local landmarks under historic preservation ordinances. It establishes two types of ordinance that are consistent with the MLUL. One is a more powerful type of local regulation like one will see in Haddonfield, Princeton, or Montclair. The other is more of an advisory ordinance, like Red Bank's.

http://www.nj.gov/dep/hpo/3preserve/mlul_7_07.pdf

Municipal landmarks can be of several types. **Individual Landmarks**, and **Historic Districts** where the individual properties are identified as Key, Contributing, Noncontributing, Intrusions, Designated, or Not Designated. The terminology depends on that chosen by each town's ordinance. I think they are self-explanatory, but the precision of the definition is critically important to how the property is protected or restricted

Here are some of the excellent Municipal Historic Preservation Commission websites in New Jersey which may be useful:

Plainfield

<http://www.plainfieldnjhistoricpreservation.com/>

Montclair

http://www.montclairnjusa.org/index.php?option=com_content&view=category&id=257&Itemid=611

Princeton

<http://www.princetonnj.gov/HP/HP-commission.html>

NON-GOVERNMENTAL LANDMARKS

There are also non-governmental landmarks that are often identified by an organization or constituency. The American Civil Engineering Society for example has a list of landmarks they have designated for their importance in the history of engineering.

There are some designations which are not typically thought of as landmarks, but I think a substantial argument can be made to consider them as such. Here are some of those.

Smithsonian Site Registration—Another list, but exclusively archaeological sites. In NJ the list is maintained at the New Jersey State Museum, Bureau of Archaeology and Ethnology. This registration system was developed by the Smithsonian Institution to help archaeologists identify, map, and catalogue the artifacts found in archaeological sites. Many of these sites have been listed on the state and national registers,

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and the Abbott Farm is a National Historic Landmark. These files are carefully protected, and only accessible by professional archaeologists to prevent looters and artifact hunters from finding the sites and destroying them. The sites assigned Smithsonian Registration numbers have not regulatory protect simply by being assigned a number, but other regulations like the Pineland Protection act and the National Historic Preservation Act often can be used to protect them.

http://www.crowcanyon.org/research/project_archive/basketmaker_communities/description_pages/BCP_site_number.asp
http://en.wikipedia.org/wiki/Smithsonian_trinomial

The final list I want to bring to your attention is actually a set of three lists, which like the Smithsonian registration system do not have any regulatory, or protection status, but are an important compilation of truly significant historic sites. All three programs are designed to record and document historic sites with precise drawings, photography, and written reports. The **Historic American Buildings Survey (HABS)**, the **Historic American Engineering Record (HAER)**, and the **Historic American Landscape Survey (HALS)** are not landmark designations. The standards and program are run from the National Parks Service for all three, but the recorded documentation of each are kept in the Library of Congress.

<http://www.nps.gov/history/hdp/habs/index.htm>

PALEONTOLOGICAL SITES

So after all of the registers, surveys, and lists, what is missing? You might say a list or designation for Paleontological sites, but the sites I have discussed in this article are historical and cultural, meaning they are all associated with human activity and significance. But in NJ, we have one paleontological site that may surprise you. The Hadrosaurus discovery site in Haddonfield is a National Historic Landmark. How so? Well the Hadrosaurus sites was the place where the first complete dinosaur was scientifically discovered and excavated, so it gains its historical significance because of its national significance in the history of science, specifically paleontology. The Hadrosaurus fossils that were excavated there are not an NHL, but the site of the discovery and the excavation are the NHL.

Navigating this “alphabet soup” of agencies and designations can seem daunting at times. But understanding what resources are available and which are appropriate for a given situation is key to properly preserving our history. Hopefully, this article will have given you some appreciation for what’s out there. If you have any specific questions, email GSL (info@gardenstatelegacy.com) and we will try to help you! 

Acknowledgements:

I want to thank Gordon Bond at GSL for supporting this article. Any mistakes or omissions are mine, not his. I also want to thank the last 36 years of professionals at the New Jersey State Historic Preservation Office, New Jersey State Museum, and the National Park Service who, since I was a 17 year old research assistant, have been available for assistance, consultation, guidance, and advise as I have researched and explored the state's historic and cultural resources. As a 17 year-old research assistance, on my first research appointment at NJHPO, a meeting with Archaeologist Jonathan Gell will never be forgotten!

NJHPO <http://www.nj.gov/dep/hpo/1identify/nrsr.htm#njnrhp>

NPS <http://www.nps.gov/nr/>

References & Additional Information:

National Register of Historic Places, NPS

<http://www.nps.gov/nr/>

National Register in NJ

http://www.nj.gov/dep/hpo/1identify/nrsr_lists.htm

National Historic Landmarks, NPS

<http://www.nps.gov/nhl/>

NHLs in NJ

<http://www.nj.gov/dep/hpo/1identify/nhls.pdf>