

June 2, 2022  
BY EMAIL

Essex County Board of Supervisors  
7551 Court Street  
Elizabethtown, NY 12932

Re: CCE Building

Dear Members of the Essex County Board of Supervisors:

I write on behalf of the Friends of the Essex Fairgrounds to express concern about a preliminary plan to demolish the 1924 Agricultural Center building in Westport, otherwise known as the Cornell Cooperative Extension (CCE) Building.

The CCE Building, which is listed in the National Register of Historic Places, is located within and contributes to the historic context of the National Register-listed Essex County Fairgrounds and Westport Historic District. The CCE Building—which was determined by multiple studies including Essex County's consulting structural engineer, Schoder Rivers Associates, to be structurally sound—is a defining and treasured architectural feature of these districts. For generations, it has represented an essential part of Essex County's farming history and our community. Loss of the CCE Building would thus harm the historic integrity of the Fairgrounds and result in replacing a distinguished building with an undistinguished new one that would harm the overall look, feel, and atmosphere of the Fairgrounds. By contrast, rehabilitating the CCE Building would not only protect and preserve historic properties, but it would also likely result in significant cost savings to the County.

We also write to make sure the County is informed about its legal obligations under federal and local law should it decide to move forward with demolition plans.

First, because of the County's anticipated use of federal funds from the U.S. Department of Agriculture, Section 106 of the National Historic Preservation Act (NHPA) would require Essex County to address adverse effects to historic properties that the proposed demolition would cause in consultation with interested parties. As part of the federal government's policy of protecting the nation's historic heritage and sense of orientation as an American people, Section 106 requires federal agencies to consider the effects on historic properties of projects they carry out, assist, fund, permit, license, or approve throughout the country.<sup>1</sup>

If a federal or federally-assisted project has the potential to affect historic properties listed or determined eligible for listing in the National Register of Historic Places—such as the CCE

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<sup>1</sup> 54 U.S.C. §§ 300101-307108; Section 1 of the NHPA, Pub. L. No. 89-665, as amended by Pub. L. No. 96-515.

Building, the Essex County Fairgrounds, and Westport Historic District—a Section 106 review is required.<sup>2</sup>

During Section 106 review, once historic properties have been identified in coordination with the applicable State Historic Preservation Officer, the federal agency charged with permitting the proposed project must find ways to avoid, minimize, or mitigate adverse effects to those properties in consultation with parties who have a demonstrated interest in the undertaking.<sup>3</sup> Because federal undertakings involve looking at projects as a whole, it is important to note that Section 106 obligations would apply even if the County intends to segment the project to avoid use of federal funds for the demolition.

Moreover, under the doctrine of “anticipatory demolition,” the NHPA prohibits the federal government from providing assistance to a permit or grant applicant if demolition is planned as a way to avoid federal preservation review unless the Advisory Council on Historic Preservation—the nation’s lead federal agency for Section 106 enforcement—grants approval after consultation with the applicant to determine whether demolition was justified.<sup>4</sup>

Furthermore, the Town of Westport’s Land Use Law would require review by the Preservation Advisory Board for any changes to the CCE Building, to protect Westport’s historic, aesthetic, and cultural heritage.<sup>5</sup> If demolition is proposed, the County would be required to seek a special permit from the Town of Westport Planning Board, following review by the Preservation Advisory Board.<sup>6</sup> Based on our review of the demolition proposal, a special permit would not be justified for any reason.

In closing, we urge the Essex County Board of Supervisors to abandon demolition plans in favor of rehabilitating the CCE Building. The Friends look forward to working with you and your staff to help achieve this goal.

Sincerely,



William J. Cook  
Partner

cc: Daniel L. Palmer, Essex County Manager  
Daniel T. Manning, III, Essex County Attorney  
R. Daniel Mackay, Deputy Commissioner, NY State Historic Preservation Office  
Katie Eggers Comeau, VP, Policy & Preservation, Preservation League of NY State  
Erin Tobin, Executive Director, Adirondack Architectural Heritage

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<sup>2</sup> 54 U.S.C. § 306108.

<sup>3</sup> 36 C.F.R. § 800.1(a); 36 C.F.R. § 800.4.

<sup>4</sup> 54 U.S.C. § 306113.

<sup>5</sup> Sec. 25.010.

<sup>6</sup> Sec. 25.041.

Judy Garrison, Clerk, Essex County Board of Supervisors  
Jaime Loichinger, Assistant Director, Federal Permitting, Licensing & Assistance  
Section, Advisory Council on Historic Preservation  
Dr. Linda B. Wurzberger, Federal Preservation Officer, U.S. Dep't of Agriculture