

**TOWN OF COPAKE
RESOLUTION**

Number 17 of June 1, 2026

**To Authorize Building Inspector/Code Enforcement Officer
to Issue Order to Vacate/Do Not Occupy Notice**

WHEREAS, the Building Inspector/Code Enforcement Officer is the duly authorized official of the Town of Copake responsible for administration and enforcement the New York State Uniform Fire Prevention and Building Code, and

WHEREAS, pursuant to Town Code Chapter 129, § 129-9, unsafe buildings and conditions of imminent danger are to be identified and addressed in accordance with the procedures established under Town Code Chapter 101; and

WHEREAS, pursuant to Town Code Chapter 101, § 101-7, in cases of emergency where the procedures otherwise set forth in Chapter 101 would result in delay and possible injury to life or property, the Town Board has the power to direct the Building Inspector/Code Enforcement Officer to proceed at once to take such action as is needed to ensure the safety of affected persons and property; and

WHEREAS, the Building Inspector/Code Enforcement Officer, after investigation, has determined that the roof and rear structure of the residence located at 104 Lake Shore Drive (Tax Map ID. 176.3-3-47) are in an advanced state of partial collapse; and

WHEREAS, the Building Inspector/Code Enforcement Officer has found that said building is hazardous in that its current condition is dangerous to the life and safety of any occupants of the structure and that the structure is not fit for human occupancy due to the degree to which such building is in disrepair; and

WHEREAS, the Building Inspector/Code Enforcement Officer has requested authorization from the Town Board pursuant to Chapter 101, § 101-7 to issue an Order to Vacate/Do Not Occupy Notice pursuant to Sections 109 and 110 of the Property Maintenance Code of New York State (2025), thereby prohibiting occupancy of the structure until such time as it has been made safe and fit for human occupancy; and

WHEREAS, the Building Inspector/Code Enforcement has provided written notice to the owner and to any occupants of the premises of her intention so seek such authorization from the Town Board; and

WHEREAS, the owner of the premises and any occupants of such property have been given an opportunity to be heard on the Building Inspector/Code Enforcement Officer's request; and

WHEREAS, it is the determination of the Town Board based upon the evidence presented that sufficient circumstances exist to justify authorizing the Building Inspector/Code Enforcement Officer to take immediate action to ensure the safety of any potential occupants of the subject property; and

WHEREAS, the Town Board recognizes that the taking of such immediate action by the Building Inspector/Code Enforcement Officer warrants the provision to the owner and any occupants of the property of an opportunity to be heard by the Town Board following the taking of such immediate action by the Building Inspector/Code Enforcement Officer, whereat such owner and/or occupant(s) may present evidence why such immediate action should be reversed; now, therefore

It is hereby **RESOLVED**, that pursuant to Town Code Chapter 101, § 101-7, the Town Board of the Town of Copake hereby authorizes the Building Inspector/Code Enforcement Officer to take immediate action with regard to the property located at 104 Lake Shore Drive (Tax Map ID No. 176.3-3-47) to protect the life and safety of persons and property, including by issuing and posting an Order to Vacate/Do Not Occupy Notice pursuant to Sections 109 and 110 of the Property Maintenance Code of New York State (2025) and to prohibit occupancy of the residence located thereat; and

It is hereby further **RESOLVED**, that the owner and/or occupant(s) of the subject property shall have an opportunity to be heard by the Town Board concerning any such action taken by the Building Inspector/Code Enforcement Officer by delivering a written request for a hearing to Town Board of the Town of Copake, 230 Mountain View Road, Copake, New York 12516 on or before July 15, 2026, upon receipt of which the Town Board will schedule a hearing and provide the owner, occupant(s), and/or their respective representatives an opportunity to be heard and to present evidence concerning whether the determination of the Building Inspector/Code Enforcement Officer should be reversed; and

It is hereby further **RESOLVED**, that the Building Inspector/Code Enforcement Officer shall provide the owner and occupant(s) of the subject property with written instructions concerning their rights to request a hearing as hereinabove provided.

Roll Call Vote: The foregoing Resolution, offered by Councilperson _____ and seconded by Councilperson _____, was duly put to a roll call vote as follows:

Resolution No. 17
Dated: June 1, 2026
Copake, New York

Roll Call Vote:

Supervisor Wolf
Councilperson Gansowski
Councilperson Gabaccia
Councilperson Haight
Councilperson Morningstar

Lynn M. DeRocha, Town Clerk
(seal)