

Village of **Croton-on-Hudson** New York



Planning Board

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To: Mayor Pugh and Village Board of Trustees
From: Robert Luntz, Planning Board Chairman
Re: Smoke Town Discount Special Permit Renewal
Date: May 22, 2024

At its regularly scheduled meeting on Tuesday, May 21st, 2024, the Planning Board reviewed the referral from the Village Board for the application of the renewal of a Special Permit for Smoke Town Discount to operate a retail store at 50 Maple Street.

The Planning Board recommends that the Village Board renew the special permit for Smoke Town Discount with the following conditions:

- 1) That the Special Permit should again be issued for a three year period.
- 2) The Village Engineer stated that there have been a few violations of NYS Law Section 1399-DD-1 which states "Public display of tobacco product and electronic cigarette advertisements and smoking paraphernalia is prohibited within 1,500 feet of a school," due to nicotine product signs displayed in the windows. To ensure better compliance with this law, the Planning Board recommends that a condition be added to the Special Permit that requires the business to adopt a written policy and procedure governing the installation of window signs. The policy and procedure should require that the business owner approve every sign installed in the windows or door to ensure compliance with NY State Public Health Law Section 1399-DD-1 (attached) and the Village sign regulations, Section 230-44(O) of the Village Code, which limit the sign coverage in each window to 25% maximum.

Public Health Law Section 1399-DD-1

Public display of tobacco product and electronic cigarette advertisements and smoking paraphernalia prohibited

1.

For purposes of this section:

(a)

"Advertisement" means words, pictures, photographs, symbols, graphics or visual images of any kind, or any combination thereof, which bear a health warning required by federal statute, the purpose or effect of which is to identify a brand of a tobacco product, electronic cigarette, or vapor product intended or reasonably expected to be used with or for the consumption of nicotine, a trademark of a tobacco product, electronic cigarette, or vapor product intended or reasonably expected to be used with or for the consumption of nicotine or a trade name associated exclusively with a tobacco product, electronic cigarette, or vapor product intended or reasonably expected to be used with or for the consumption of nicotine or to promote the use or sale of a tobacco product, electronic cigarette, or vapor product intended or reasonably expected to be used with or for the consumption of nicotine.

(b)

"Smoking paraphernalia" means any pipe, water pipe, hookah, rolling papers, electronic cigarette, vaporizer or any other device, equipment or apparatus designed for the inhalation of tobacco or nicotine.

(c)

"Vapor product" means any vapor product, as defined by § 1399-AA (Definitions), intended or reasonably expected to be used with or for the consumption of nicotine.

(d)

"Tobacco products" shall have the same meaning as in subdivision five of § 1399-AA (Definitions).

(e)

"Electronic cigarette" shall have the same meaning as in subdivision thirteen of § 1399-AA (Definitions).

2.

(a) No person, corporation, partnership, sole proprietor, limited partnership, association or any other business entity may place, cause to be placed, maintain or to cause to be maintained, smoking paraphernalia or tobacco product, electronic cigarette, or vapor product intended or reasonably expected to be used with or for the consumption of nicotine advertisements in a store front or exterior window or any door which is used for entry or egress by the public to the building or structure containing a place of business within one thousand five hundred feet of a school, provided that within New York city such prohibitions shall only apply within five hundred feet of a school.

(b)

Any person, corporation, partnership, sole proprietor, limited partnership, association or any other business entity in violation of this section shall be subject to a civil penalty of not more than five hundred dollars for a first violation and not more than one thousand dollars for a second or subsequent violation.