



Department of State
Corporations, State Records & UCC

New York State
Department of State
DIVISION OF CORPORATIONS,
STATE RECORDS AND
UNIFORM COMMERCIAL CODE
One Commerce Plaza
99 Washington Ave.
Albany, NY 12231-0001
dos.ny.gov

Local Law Filing

Pursuant to Municipal Home Rule Law §27

Local Law Number ascribed by the legislative body of the local government listed below:

2 of the year 20 25

Local Law Title: "Local Law No. 2 Of 2025, For The Purpose Of Regulating Smoke And Vape Sales In The
Town Of Wappinger"

Be it enacted by the Town Board of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one)

of Wappinger as follows on the attached pages:
(Name of Local Government)

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STATE RECORDS

FEB 09 2026

DEPARTMENT OF STATE

Department of State Local Law Index Number: 4 of the year 20 26

(The local law number assigned by the Department of State for indexing purposes may be different from the local law number ascribed by the legislative body of the local government.)

Local Law Filing

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto ascribed as local law number 2 of 2025 of the (County)(City)(Town)(Village) of Town of Wappinger was duly passed by the Town of Wappinger on April 14 2025 in accordance with the applicable provisions of law.

(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____ in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____ in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

Local Law Filing

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, ascribed as local law number _____ of 20 _____ of the City of _____ having submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____ became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed thereto, ascribed as local law number _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____ pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in the paragraph 1 above.

Joseph P. Paoloni

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

April 14, 2025

(Date)

(Seal)

Resolution Adopting "Local Law No. 2 Of 2025, For The Purpose Of Regulating Smoke And Vape Sales In The Town Of Wappinger"

At a Regular Meeting of the Town Board of the Town of Wappinger, Dutchess County, New York, held at Town Hall, 20 Middlebush Road, Wappingers Falls, New York, on April 14, 2025.

The meeting was called to order by Joseph D. Cavaccini, Town Supervisor, and upon roll being called, the following was recorded:

✓ Vote Record - Resolution RES-2025-89						
☒ Adopted ☐ Adopted as Amended ☐ Defeated ☐ Tabled ☐ Withdrawn			Yes/Aye	No/Nay	Abstain	Absent
	Joseph D. Cavaccini	Voter	☒	☐	☐	☐
	William H. Beale	Seconder	☒	☐	☐	☐
	Angela Bettina	Voter	☒	☐	☐	☐
	Christopher Phillips	Mover	☒	☐	☐	☐
	Al Casella	Voter	☒	☐	☐	☐

The following Resolution was introduced by Councilman Phillips and seconded by Councilman Beale.

WHEREAS, the Town Board has considered the adoption of Resolution Introducing "Local Law No. 2 Of 2025, For The Purpose Of Regulating Smoke And Vape Sales In The Town Of Wappinger"; and

WHEREAS, a Public Hearing on the proposed Local Law was duly advertised in the Southern Dutchess News and the Poughkeepsie Journal as required by law; and

WHEREAS, a Public Hearing was held on April 14, 2025 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law or any part thereof; and

WHEREAS, the Town Board has determined that the Proposed Action is an action for which there are no other Involved Agencies and that the Town Board is therefore, by default, the Lead Agency for this action; and

WHEREAS, as in accordance with Section 239 of the New York State General Municipal Law, the Town Board referred the proposed Local Law to the Dutchess County Department of Planning and Development (DCDPD) for its advisory opinion; and

WHEREAS, in response to said referral the DCDPD responded and it was determined to be a matter of local concern; and

WHEREAS, said Local Law has been on the desks of the members of the Town Board of the Town of Wappinger for at least ten (7) days prior to the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. The Town Board hereby adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.
2. The Town Board, after due deliberation, finds that it is in the best interest of the Town to adopt said Local Law, and the Town Board hereby adopts Local Law No.2 of 2025, a copy of which is attached hereto and made a part of this Resolution; and

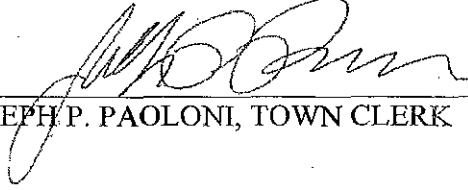
The Town Clerk is directed to enter said Local Law in the minutes of this meeting into the Local Law book for the Town of Wappinger and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

The foregoing was put to a vote which resulted as follows:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Phillips, Councilman
SECONDER:	William H. Beale, Councilman
AYES:	Cavaccini, Beale, Bettina, Phillips, Casella

Dated: Wappingers Falls, New York
4/14/2025

The Resolution is hereby duly declared Adopted.



JOSEPH P. PAOLONI, TOWN CLERK

LOCAL LAW No. 2 OF THE YEAR 2025

BE IT ENACTED by the Town Board of the Town of Wappinger as follows:

Section 1. Title

This Local Law shall be known and cited as “Local Law No. 2 of 2025, for the Purpose of Regulating Smoke and Vape Sales in the Town of Wappinger”

Section 2. Legislative Intent

The Town Board believes that it is reasonable and appropriate to regulate the sale of smoke and vape products in the Town of Wappinger. This local law is determined to be an exercise of the police powers of the Town to protect the public health, safety and welfare of its residents.

Section 3. Creation of 240-81.9 Smoke Or Vape Shop.

Section 240-81.9 shall be added after 240-81.8:

240-81.9 Smoke Or Vape Shop

Legislative intent. The Town Board hereby finds that certain business activities, by their nature, have serious objectionable operational characteristics which can lead to significant impact on the surrounding community. The Town Board further finds that the uncontrolled proliferation of such uses would be inconsistent with the existing development and future plans for the Town of Wappinger in that they often result in influences on the community which undermine the economic, physical and social welfare of the community. Such uses have been found to contribute to the blighting of surrounding residential and commercial areas as a result of the related potential for the undermining of the economic and social welfare of the community and by deterring investment in and improvement of surrounding properties. Such uses can adversely impact the general health, safety and economic wellbeing of the entire community. Further, the location of these uses may be in areas where youth may regularly assemble and the general atmosphere encompassing their operation is of great concern to the Town Board. The purpose of this section is to prevent the unrestricted proliferation or concentration of such businesses, to specifically limit and reduce their potential accessibility to children and to ensure that the effects of such businesses will not adversely affect the health, safety and economic well-being of the community, by enacting criteria for the establishment of smoke or vape shops in the Town.

B.

Standards. To help achieve the above-stated goals and to promote the objectives of the Town

Comprehensive Plan, the granting of special permit approval by the Planning Board shall be subject to the following requirements in addition to the requirements of special permit approval in § 240-44 herein.

- (1) Not more than one smoke and or vape shop shall be permitted on any lot.
- (2) No smoke or vape shop shall be permitted on any lot which is located within 3,500 feet of any other lot containing a smoke and or vape shop.
- (3) No smoke and or vape shop shall be permitted in any building which is located within 400 feet of any residential dwelling.
- (4) No smoke and or vape shop shall be permitted in any building which is located within 400 feet of any lot on which there is located a school, day-care center, place of worship or other religious institution, community center, public park or playing field.
- (5) No smoke and or vape shop shall be permitted in any building which is used in whole or in part for residential purposes. No residential use shall be established in a building of which any part is used as a smoke and or vape shop.
- (6) Smoke and vape shops shall comply with all other requirements of the Zoning Law as well as all applicable Town, county, state and federal laws and regulations.
- (7) Smoke and vape shops, shall constitute no more than 10% of the stores of floor space.