

VILLAGE OF SUFFERN

LOCAL LAW NO. OF 2026

**A LOCAL LAW AMENDING CHAPTER 266 OF THE
CODE OF THE VILLAGE OF SUFFERN, THE
ZONING LOCAL LAW, PROBITING MASSAGE
PARLORS IN THE VILLAGE OF SUFFERN**

BE IT ENACTED by the Board of Trustees of the Village of Suffern as follows:

Section 1. Section 266-4 of the Code of the Village of Suffern, “Personal Services” is hereby amended to provide as follows:

Establishments that offer a service to the public, such as but not limited to dry cleaners, barbershops, hair, nail and tanning salons, shoe repair shops, tailors and seamstresses and fitness health clubs, but not including repair of automobiles or other vehicles, laundromats, betting parlors operated by the State of New York, checking-cashing businesses, or massage parlors.

Section 2. Section 266-4 of the Code of the Village of Suffern is hereby amended by adding thereto a new definition, “Massage Parlor,” to provide as follows:

Massage Parlor: Any building, room, place, or establishment where manipulated massage, massage therapy, or health treatments involving physical friction, kneading, rubbing, stroking, tapping, or vapor baths are administered, offered, or permitted. This definition shall not include: offices or establishments where massage therapy is performed exclusively by individuals duly licensed and registered by the New York State Education Department as Licensed Massage Therapists (LMTs) pursuant to Article 155 of the New York State Education Law; physicians or nurses licensed by the State of New York; hospitals, nursing homes, or medical clinics duly licensed by the State of New York.

Section 3. Section 266-14(H) of the Code of the Village of Suffern,), “Prohibited Uses,” is hereby amended by adding thereto a new subsection, “10,” to provide as follows:

(10) Massage parlors.

Section 4. Section 266-15 of the Code of the Village of Suffern is hereby amended by adding thereto a new subsection "R," "Nonconforming Massage Parlors," to provide as follows:

1. Massage parlors existing as legal nonconforming uses on the effective date of this local law may continue for a period of year only upon submission of an application to the Building Inspector upon a form provided by the Building Inspector. And if in compliance with all applicable Village, County, State and Federal laws and regulations. Such application must be submitted within thirty days of the date a notice of said requirement is sent from the Building Inspector or such other person as may be designated by the Board of Trustees. The Building Inspector may refer copies of such application to the Police Department. The appropriate departments may inspect the premises proposed to be operated as a massage establishment, make an investigation of the application and make written recommendations to the Building Inspector concerning compliance with Village, County, State and Federal laws and regulations. The right to continue the nonconforming use of a property as a massage parlor that does file such an application shall expire sixty days from the date of the notice given pursuant to the preceding subsection. The Building Inspector will notify the applicant if it complies with the requirements of this local law.
2. A nonconforming massage parlor must cease operations and discontinue the use if the owner, lease, and/or any other person who will be directly or indirectly engaged in the management and operation of a massage establishment has been convicted of: a felony; an offense involving sexual misconduct with children; or soliciting for a prostitute, pimping, prostitution, or misdemeanor involving moral turpitude. A nonconforming massage parlor must cease operations and discontinue the use if the owner, lease, employee or agent has been convicted of a felony; an offense involving sexual misconduct with children; or soliciting or engaging in prostitution.
3. Notwithstanding any other provision of this Chapter regarding the continuation of pre-existing nonconforming uses, any massage parlor, as defined herein, which is rendered legally nonconforming by the adoption of this local law, shall be discontinued and shall cease operations within one year from the effective date of said local law.

4. Application for Extension of Amortization Period.

- a. Right to Apply: If a nonconforming user or property owner asserts that the one-year amortization period is constitutionally insufficient to recoup their unrecoverable financial investment in the nonconforming use, the owner or operator may apply to the Board of Trustees for an extension of the amortization period, provided that the use of the premises as a massage parlor does not violate any Village, County, State or Federal law or regulation and there have been no convictions of any employee or person associated with the massage parlor of the crimes set forth in subsection 2.
- b. Timeframe for Filing: Any application for an extension under this section must be filed with the Village Clerk no later than nine months following the effective date of this Local Law. Failure to file a timely application shall constitute a waiver of any right to seek an extension or to contest the economic sufficiency of the amortization period.
- c. Public Hearing: Upon receipt of a complete application, the Board of Trustees shall schedule and conduct a public hearing within sixty (60) days, giving public notice in the same manner as required for a zoning variance.
- d. Standards of Proof and Criteria: The applicant shall bear the burden of proving by clear and convincing financial evidence that they cannot reasonably recoup their investment within the one-year period. In determining whether to grant an extension, and the proper length of any such extension, the Board of Trustees shall consider the following factors, as well as any additional considerations which the Board of Trustees deems relevant:
 - i. The total financial investment of the owner or lessee in the structure, fixtures, and specialized equipment unique to the massage parlor use prior to the adoption of this local law;

- ii. The extent to which such investment has already been amortized or depreciated through tax deductions or past profits;
 - iii. The cost of converting the structure or storefront to a permitted use;
 - iv. The degree of incompatibility of the nonconforming use with the surrounding neighborhood and its impact on the community.
5. Determination: Following the public hearing, the Board of Trustees may deny the application, or it may grant the minimum extension necessary to prevent an unconstitutional taking of property, subject to any reasonable conditions it deems appropriate to safeguard the public health, safety, and welfare.

Section 5. If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof.

Section 6. This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York.