

**VILLAGE OF LINDENHURST  
NOTICE OF ADOPTION**

**NOTICE IS HEREBY GIVEN** that the Lindenhurst Village Board by resolution dated September 17, 2024 adopted the following Local Law amending the Code of the Village of Lindenhurst as follows:

**LOCAL LAW #4-2024  
to Extend**

**Local Law #4-2022 and Local Law #5 -2023 – Moratorium on Foot Spas and Massage Parlors**

**Section 1. Purpose.**

The purpose of this local is to extend the expiration date of Local Law #5 of 2023 from September 30, 2024 to September 30, 2025. The purpose of Local Law #4 of 2022, Local Law #5 of 2023 and this Local Law is to promote and protect the public health, safety, and welfare of the Village of Lindenhurst, by enacting a local law which establishes a moratorium on Massage Parlors and Foot Spas in the Business District for a period of one year.

The Village of Lindenhurst has put forth a significant effort to support and revitalize the Business District. As part of these efforts, the Village has completed numerous infrastructure improvements to attract business and enhance the appearance of the downtown, including the addition of brick pavers, road reconstruction, drainage, parking, decorative street lighting, planters, and recreational and cultural opportunities. Numerous new projects have enhanced the appearance and character of the Business District Village wide. The Board of Trustees has also enacted certain zoning amendments to create a more desirable and attractive Business District including the addition of multiple family residences. The Board of Trustees finds that careful consideration is also required to ensure the compatibility of the Business District with the surrounding residential community. The competitive local business environment is spawning more and more businesses, in particular, a proliferation of business whose primary business purpose is massage. The Board is concerned that given the Business District's close proximity to residential areas, certain businesses of this nature are of such a character that they will detrimentally impact the quality of life of the surrounding businesses and residences. The Board finds that such uses are often the source of criminal activity, such as unlicensed practice and prostitution resulting in quality of life complaints. These complaints negatively impact the community. As such, particular consideration must be given as to the regulation of massage related business operations.

The Board of Trustees enacted the moratorium so that it might have sufficient opportunity to evaluate the permitted uses in the Business District and determine whether the use of Massage Parlors and Foots Pas should be statutorily amended, altered, modified, expanded or repealed as part and parcel of a plan to continue to revitalize the are without negatively impacting the community. The moratorium is set to expire on September 30, 2024, and must be

extended to allow the aforesaid review to continue. An extension of the moratorium would also permit the consider whether buffer zones or distance restrictions are appropriate to avoid proliferation of this use and encourage diversity in the Business District. This moratorium will provide an opportunity for the Village Board of Trustees to evaluate the Code changes needed without the possibility of new businesses opening that might conflict with the plan being developed. The Village Board has, therefore, determined that a moratorium be established prohibiting any new uses which business purpose is massage in the Business District. This moratorium shall be geographically limited in application to all properties within the Business District zoning classification. In establishing this moratorium, the Board has also considered:

1. The need for conserving the value of buildings and land and the need to encourage the most appropriate use of land.
2. The need to attract retail business of such a diverse character as to encourage, foster and promote the revitalization of the Business District while at the same time mitigating any detrimental impact on surrounding residential properties.
3. The need to ensure adequate parking and lessen congestion while balancing the need for business growth.
4. To provide adequate light and air.
5. To ensure physical compatibility with surrounding uses.
6. The need to reduce noise, litter, traffic, and lighting which detrimentally impacts residential areas adjoining Business District property.
7. To encourage historic preservation.

## **Section 2. Prohibitions.**

Any massage related use in the Business District which is open for customers, or clientele excluding those previously approved within the Business District.

## **Section 3. Exemptions.**

This local law shall not apply to those businesses whose ancillary purpose includes massage, such as a gym or salon or those approved prior to the effective date of this local law to the extent such uses are not in compliance herewith and otherwise legally permitted.

## **Section 4. Imposition of Moratorium.**

a. For a period of one year from and after the effective date of this law, no application for the construction, erection, maintenance, or change of use to a use which is prohibited herein may be filed, accepted, or processed. For the purpose of this law, an application shall be deemed to mean any request for official action by the Board of Trustees, or other boards, departments, or agencies of the Village of Lindenhurst. No use which is prohibited herein and not otherwise exempt from the application of this local law may be maintained. Renewals of prior approvals shall remain unaffected.

b. The Board of Trustees of the Incorporated Village of Lindenhurst shall have the power to vary or modify the application of the provisions hereof by resolution of the Village Board at a public meeting, in its absolute and sole discretion, provided that such variance, or

modification is consistent with the Village zoning plan, and with the health, safety, morals and general welfare of the Village.

**Section 4. Validity.**

If any section, sentence, clause, or phrase of this law is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this law.

**Section 5. Effective Date.**

This law shall become effective upon filing in the office of the Secretary of State.

Inc. Village of Lindenhurst

Katie Schrader

Village Clerk