UNLISTED USE:
As noted in the USDO, §375-3(A)(3), “When a proposed land use is not explicitly listed in Table 375-3-1: Permitted Use Table, The Chief Planning Official shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics, and external impacts of a listed use that it should be treated as the same.

DESCRIPTION OF PROPOSED USE:
“Para-medical micropigmentation services to restore the Areola/Nipple complex after Mastectomy and other surgery; cosmetic enhancement and reconstructive micropigmentation to restore the color and shape to missing eyebrows, eyelash line and lips; restorative micropigmentation to the scalp know has Simulated Hair Follicle (SMP); and micropigmentation to correct and diminish scars and vitiligo. Also, the office will provide esthetician skin care. This will not be a retail business and will be by appointment only. Services will be provided by a NYS Licensed Registered Nurse and a NYS Licensed Esthetician.”

USE DETERMINATION:
Based on the above description, the size, scale, operating characteristics, and external impacts, such a use is most closely related to Office and shall be treated as the same. There are two (2) definitions for Office in the USDO. The first one is related to the Albany-Colonie Intermunicipal Overlay District. The second one, which is relevant to the above use description shall be used.

OFFICE:
Establishments providing executive, management, administrative, professional services, consulting, banking, laboratory, record keeping, music or sound recording, or a headquarters of an enterprise or organization, but not including the on-premises sale of retail goods. This use does not include a Marijuana Dispensary or Methadone Dispensary.

Office Use has included doctors offices, dental offices, professional design offices, or other non-retail uses where clients, if seen at all, are by appointment only in a professional setting.

LIMITATIONS:
Based on the description of the proposed use, and the use category of Office, such a use shall not include retail, or uses typically associated with personal service. Any micropigmentation shall be corrective in nature and shall not include body art or services typically performed in a tattoo parlor.