

List of Attachments for Appeal on 372 New Scotland Avenue

A – USDO Use Interpretation 100418.001

B – October 17, 2018 email of Chris Spencer reaffirming certain decisions

C – August 29, 2018 Certificate of Occupancy – Change of Use to “outpatient/personal business service”

D – September 27, 2018 LaJoy email referencing CO permit as a “Change of Use”

E – August 9, 2018 Letter re continuing legal nonconforming use for 372 New Scotland Avenue

F – NYS Department of State Division of Licensing Service Consumer Guide regarding NYS Beauty Salons and Spas

G – “Tattoo Artist” Certification for Kathleen Cronin issued pursuant to Albany County Local Law for 1999 and Permit to operate a “Tattoo Studio”

G-1- August 20, 2018 Application and Floor Plans for 372 New Scotland

G-2 - “Precision Microblading& Natural looking Permanent makeup by Kathleen Cronin, RN - “Colour Cosmetic Studio Inc.” at 1525 Western Avenue website

G-3 - Scheduling webpage for “Colour Cosmetic Studio, Inc.” at both 1525 Western Avenue and 372 New Scotland Avenue showing Nora Quinn providing services. (Welcomes Nora Quinn to the staff “For expert natural eyelash extensions...”

G-4 - NYSDOS website listing of Nora Quinn’s esthetician license

H – June 9, 2018 Judy Doesschate email to Rob Magee, copying Rick LaJoy (who reports to Chris Spencer), the Chief of Staff and others, clearly contesting the alleged legal nonconforming office use status of 372 New Scotland Avenue

I –September 28, 2018 Judy Doesschate email to Chris Spencer asking him to rescind the August 9th nonconforming determination and any permits or other determinations made to allow the operation of these services at the premises and providing him with detailed reasons why such determinations were inconsistent with the facts and the law.

J – October 25, 2018 Tom Keefe affidavit regarding “home office” use of the Chiropractor who occupied the premises immediately prior to Seth Kohl and the discontinuance of the use as an “office” use as of June 27, 2018

USDO USE INTERPRETATION 100418.001

DATE: October 04, 2018
FROM: CHRIS SPENCER
ACTION: NO ACTION REQUIRED



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 known as 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.

Begin forwarded message:

From: Christopher Spencer <cspencer@albanyny.gov>
Date: October 17, 2018 at 5:14:49 PM EDT
To: Kathy Sheehan <ksheehan@albanyny.gov>
Subject: 372 New Scotland

Hi Mayor:

Here are the relevant details related to the above referenced address / use:

We received an Application for a Zoning Compliance Certificate for the use of 372 New Scotland Avenue and began reviewing it on August 6, 2018. The property is in an R-2 Two Family Zoning District. Our records and research indicated it had been used as an office since 1950. In this particular case it had been a doctors office, a podiatry office, and a Chiropractic office. It was determined that it had not been vacant or inactive as a chiropractic office for more than one year, and therefore the use of Office was still a valid non-conforming use. A letter to the applicant was sent out on August 9, 2018 informing them that "the property was used as an office prior to the effective date of any regulations prohibiting such use. Such use therefor exists as a legally non-conforming use subject to the provisions of §375-5(F)(3) of the USDO."

Since the USDO requires that "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." Based on the description of what the applicant intended to do, I made a formal interpretation that it was consistent with the use "Office" and added it to the Planning Department Webpage so as to be accessible to the general public. In this interpretation, I indicated that 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. "

<https://www.albanyny.gov/Government/Departments/PlanningandDevelopment/USDODevelopment.aspx>

As for the sign, the USDO has two conflicting sections. They are as follows:

E. OBSOLETE SIGNS [Section 375-4(I)(5)(ii)(E)]

Any on-premises sign that no longer advertises an existing business conducted or product sold on the premises upon which such sign is located shall be removed unless it is architecturally or historically significant, or is considered to be a character-defining feature of the building or district.

(d) SIGN MAINTENANCE [Section 375-4(J)(2)(d)(iii)]

1. (iii) Signs that contain messages that have become obsolete because of the termination of the use or business or product advertised, or for some other reason, shall have such message removed within 60 days after becoming obsolete, unless the sign is architecturally historically significant, or is considered to be a character-defining feature of the building or district, or has been approved as an historic sign by the Historic Resources Commission.

I had asked the applicant to cover over the sign, based on the Sign Maintenance section of the Code. I will ask her to remove the sign and propose one that is better scaled to the environment, but smaller than what is permitted which is a 20 sq. ft. sign.

The USDO does not allow a substitution of one non-conforming use for another without approval by the BZA. Therefore, the use of this property cannot be Personal Service or tattoo parlor.

Let me know if you have any further questions on this.

Chris

Christopher P. Spencer
Commissioner of Planning & Development | City of Albany
Department of Planning and Development
200 Henry Johnson Boulevard | Albany, NY 12210
518.434.5262



City of Albany

Department of Buildings and Regulatory Compliance

Kathleen Cronin
372 New Scotland Ave
Albany NY 12208

Certificate of Occupancy

Address: 372 New Scotland Ave

Permit CT18-4977

Parcel 20355

This is to Certify that the building located at 372 New Scotland Ave in the City of Albany, NY has been inspected and found to be in compliance with the plans on file and with permit application for Change of Tenant Business Services Office.

The following occupancy is permitted at this location:

Area	Use	Uniform Code Classification
Cellar/Basement		
First Floor	Outpatient/Personal Business Service	B
Second Floor		
Third Floor		
Other Floors		

No change in the nature of this parcel, building or use is allowed without a permit and the issuance of a new Certificate of Occupancy.

Zoning District at time of Issuance R1-M

Issuance Recommended By:

Adam Clark
Building Inspector

Department Supervisor - Valerie Scott

Issue Date: Wednesday, August 29, 2018

From: Richard LaJoy [mailto:rlajoy@albanyny.gov]
Sent: Thursday, September 27, 2018 2:52 PM
To: 'Judy Doesschate'; 'Al De Salvo'
Subject: RE: 372 New Scotland Avenue -Chiropractic office zoned R-2

Judy,
Here is what was applied for in the change of use.

Paramedical 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 micro-pigmentation to the scalp known as Simulated hair Follicle (SMP); and micropigmentation to correct and diminish scars and vitiligo. Also, the offices 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.

Rick

From: Judy Doesschate [mailto:judydoesschate@nycap.rr.com]
Sent: Thursday, September 27, 2018 2:02 PM
To: Richard LaJoy; 'Al De Salvo'; Bradley Glass; Christopher Spencer
Cc: Zach Powell; Joshua Gold
Subject: RE: 372 New Scotland Avenue -Chiropractic office zoned R-2

Thank you.
Initially they did some yard work, then I saw someone scraping windows, but after that the blinds were pulled down regularly.
So, I have no way of knowing.

What was the change of tenant permit about?
What is the date of the application?

I am concerned she is putting money into renovations that she is not authorized to provide on the premises.

From: Richard LaJoy [mailto:rlajoy@albanyny.gov]
Sent: Thursday, September 27, 2018 1:04 PM
To: 'Al De Salvo'; Bradley Glass; 'Judy Doesschate'; Christopher Spencer
Cc: Zach Powell; Joshua Gold
Subject: RE: 372 New Scotland Avenue -Chiropractic office zoned R-2

Al,

I am going to send our Senior Inspector over there to see what is going on. If there is any work happening that requires a permit we will deal with it.

Rick

From: Al De Salvo [mailto:ads@nycap.rr.com]
Sent: Thursday, September 27, 2018 12:53 PM
To: Richard LaJoy; Bradley Glass; 'Judy Doesschate'; Christopher Spencer
Cc: Zach Powell

Subject: RE: 372 New Scotland Avenue -Chiropractic office zoned R-2
Importance: High

Judy—Can you answer Rick? You mentioned that there is a dumpster there and that work is going on. If electrical or plumbing work (e.g. new, professional sinks) are happening I would guess a permit is needed....

From: Richard LaJoy [mailto:rlajoy@albany.ny.gov]
Sent: Thursday, September 27, 2018 12:34 PM
To: 'Al De Salvo'; Bradley Glass; 'Judy Doesschate'; Christopher Spencer
Cc: Zach Powell
Subject: RE: 372 New Scotland Avenue -Chiropractic office zoned R-2

There is a Change of Tenant permit in our system but there is no permit for any work.

What kind of work is being done?

Rick

From: Al De Salvo [mailto:ads@nycap.rr.com]
Sent: Thursday, September 27, 2018 9:43 AM
To: Bradley Glass; 'Judy Doesschate'; Christopher Spencer
Cc: Richard LaJoy; Zach Powell
Subject: RE: 372 New Scotland Avenue -Chiropractic office zoned R-2
Importance: High

1. Judy, under item #6, did you mean 2018, instead of 2017. You said...." The property was not marketed for sale until the very end of July 2017 – well over a year after he stopped seeing patients on the premises. He did not actively market the office for rental prior to that time (which is what the code addresses.)" but he stopped practicing in June, 2017.
2. BRAD/RICK—is there a building permit on file for current work being done?

From: Bradley Glass [mailto:bglass@albany.ny.gov]
Sent: Thursday, September 27, 2018 9:15 AM
To: 'Judy Doesschate'; Christopher Spencer
Cc: 'Al DeSalvo'; Richard LaJoy; Zach Powell
Subject: RE: 372 New Scotland Avenue -Chiropractic office zoned R-2

Judy,

Thank you for this information. We will review and reach out to Ms. Cronin, if necessary. I unfortunately do not have any more information than I can provide at the moment.

Bradley Glass, Director
Department of Planning & Development
City of Albany
200 Henry Johnson Boulevard
Albany, NY 12210
Phone: (518) 445-0754

From: Judy Doesschate [mailto:judydoesschate@nycap.rr.com]
Sent: Wednesday, September 26, 2018 2:49 PM
To: Bradley Glass; Christopher Spencer
Cc: 'Al DeSalvo'; Richard LaJoy; Judy Doesschate

Subject: RE: 372 New Scotland Avenue -Chiropractic office zoned R-2
Importance: High

Thanks.

Here is some more information that is relevant:

3. Seth Kohl was arrested on June 27, 2017 and it was widely publicize that he had inappropriately sexually touched two female patients (more came forward later)
4. Channel 10 report on that date (6-27-2017) shows they went to his office and there was a note on the door saying **"office is closed today"**
5. I live across the street - my house faces the driveway he always used - and I never saw Seth Kohl's car (or his wife's) in the driveway from that day forward except to remove some items from the office and do basic property maintenance primarily outside. (I can't imagine anyone would go to see him after those reports and I imagine if someone asked for proof of being paid for any services during that time and through August or Sept of 2017 he would be unable to produce any such evidence.) **Thus, any potential claim to a legal non-conforming use ceased to exist in June of 2017 and any grandfathering in ceased to exist in June of 2018.** The claim in the application that the "practice closed mid-September of 2017" is clearly false and misleading.
6. Mr. Kohl is clearly a disreputable individual whose word should not be trusted.
7. His license was suspended in early Sept 2017....the deed transferring ownership to Colour Cosmetic Studio was filed on September 13, 2018
8. The property was not marketed for sale until the very end of July 2017 – well over a year after he stopped seeing patients on the premises. He did not actively market the office for rental prior to that time (which is what the code addresses.)
9. The individual who operated the chiropractic office before Seth Kohl lived upstairs with his girlfriend. (it was a legal home office use – not a non-conforming use – I am not sure what proof you have otherwise?).
10. Per our former Common Council member, the building dept fully acknowledged that it had issued a sign permit for a sign that did not conform with the code at the time, but they were not willing to retract it because the city could be sued since Kohl acted in reliance on the permit in ordering the sign. I have received many complaints over the years about why was that allowed and its potential precedential impact. The lighting was distracting. A sign that was erected in violation of the code with no variance has no grandfathering status.
11. The city code says: "Any on-premises sign that no longer advertises an existing business conducted or product sold on the premises upon which such sign is located shall be removed unless it is architecturally or historically significant, or is considered to be a character-defining feature of the building or district." 375-4(l)(5)(E). The City should have required Mr. Kohl to remove the sign completely when he closed his office – or at the latest, when his license was suspended. (I have asked that to be done previously and no action has been taken)
12. Any new sign for a new business requires a new sign permit and the new sign must comply with the zoning ordinances – which do not allow large signs in R-2 districts.
13. As a result of the foregoing, any permanent sign requires a new permit and a variance.
14. The building was purchased in early Sept 2018 – deed filed on Sept 13, 2018. The new owner is Colour Cosmetic Studio, Inc. with an address of 54 Eton Road, Bronxville, NY 10708. A business with the same name is operated by a Kathleen Cronin at 1525 Western Avenue in Guilderland (which is the address Ms. Cronin listed on her application to you).
15. A review of the website reveals a description of her business that repeatedly includes the word "tattoo" – something that is expressly deleted from the description that was provided to your office – a significant fact that likely would have yielded a different opinion had they used the same description that appears on the website.
http://www.colourcosmeticstudio.com/?gclid=Cj0KCQjw3KzdBRDWARIsAIJ8TMQC9_DYfwJEvZ5nuWP0mMIZ6G6tZKnC-C2ZNbbrBd1_01oOMfcc-WgaAis5EALw_wcB
16. The business name appearing on the window of 372 New Scotland Avenue is "Colour Cosmetic."
17. I have confirmed that Ms. Cronin and her business "Colour Cosmetic Studio" on Western Avenue **is licensed as a tattoo parlor** with the Albany County Dept of Health
18. **As such, this is clearly not an "office" use under the City of Albany USDO - zoning code – but a Personal or Business Service** (the code specifically mentions tattoo parlors under

Personal or Business Service – it is also akin to a beauty salon – which is also specifically listed as a personal or business service.)

19. While the application to your office mentions that Ms. Cronin is a licensed registered nurse – the services she is providing are **not a service requiring a professional nursing license , therefore, she is not providing “professional services.”** She just happens to be a nurse.
20. They have a dumpster in the driveway and I have seen people working inside – evidence of construction that might alter the alleged non-conforming use – which, under the code, may affect any claim to a legal non-conforming use.

It is not clear to me whether Ms. Cronin intends to live on the property while providing these services. If so, that would require a different analysis and our neighbors would certainly feel differently about the potential impact of this business on our neighborhood.

However, I am very concerned about the Department of Planning and Community Development taking ANY action that would allow a tattoo parlor (or beauty salon – which this is akin to) to be operated in an R-2 district and the precedent that would set not only for this neighborhood, but for all residential neighborhoods.

Once you have had an opportunity to review this information, I would appreciate the opportunity to meet with you and being informed of what action you will be taking.

Thank you.

Judy Doesschate, Member
Albany Common Council, 9th Ward

From: Bradley Glass [mailto:bglass@albanyny.gov]
Sent: Wednesday, September 26, 2018 12:45 PM
To: 'Judy Doesschate'; Christopher Spencer
Cc: 'Al DeSalvo'; Richard LaJoy
Subject: RE: 372 New Scotland Avenue -Chiropractic office zoned R-2

The application submitted is attached. At this point, I can only speak to the fact the we determined on August 9 that use as an office was a legally nonconforming use. I have requested any subsequent permit applications from the Building Department and will review.

Bradley Glass, Director
Department of Planning & Development
City of Albany
200 Henry Johnson Boulevard
Albany, NY 12210
Phone: (518) 445-0754

From: Judy Doesschate [mailto:judydoesschate@nycap.rr.com]
Sent: Wednesday, September 26, 2018 12:28 PM
To: Bradley Glass; Christopher Spencer
Cc: 'Al DeSalvo'; Richard LaJoy
Subject: RE: 372 New Scotland Avenue -Chiropractic office zoned R-2

Could you tell me what date in Sept 2017 did they specify that it was being used for?
Can you send me the application?
(this stopped being used as an office when he was arrested)

Where in the code or other legal authority does it say that if a property is being actively marketed for the non conforming use that it gets to keep that status without regard to the one year limitation?

Is an establishment doing tattooing an "office" use?

Can we be clear that the sign that is placed outside there is and has been obsolete and needs to come down?

Thanks

Judy

From: Bradley Glass [mailto:bglass@albanyny.gov]
Sent: Wednesday, September 26, 2018 12:14 PM
To: 'Judy Doesschate'; Christopher Spencer
Cc: 'Al DeSalvo'; Richard LaJoy
Subject: RE: 372 New Scotland Avenue -Chiropractic office zoned R-2

Hi Judy,

We received a Zoning Compliance Certificate request and responded on August 9 that an office was a legally nonconforming use. If they were actively marketing the property, it would not lose its nonconforming use.

I don't see a record of any permits coming through our office, but not sure there would be if there was not a change of use.

Bradley Glass, Director
Department of Planning & Development
City of Albany
200 Henry Johnson Boulevard
Albany, NY 12210
Phone: (518) 445-0754

From: Judy Doesschate [mailto:judydoesschate@nycap.rr.com]
Sent: Tuesday, September 25, 2018 1:03 PM
To: Christopher Spencer; Bradley Glass
Cc: 'Al DeSalvo'; Richard LaJoy
Subject: 372 New Scotland Avenue -Chiropractic office zoned R-2
Importance: High

Hi Chris and Brad –

Have either of you or anyone on your staff have had any conversations with Seth Kohl (prior owner of 372 New Scotland Avenue) or the current owner of 372 New Scotland Avenue (Colour Cosmetic Studio of Bronxville....or possibly Kathleen Cronin) regarding permissible uses of 372 New Scotland Avenue and the oversized sign there?

Also – any variances or sign permits applied for?

Seth Kohl stopped providing services to patients there upon his arrest in June of 2017 – so any alleged grandfathering status lapsed in June of 2018....and the sign has met the definition of an obsolete sign requiring removal according to our code for some time (and clearly doesn't meet standards for a sign in an R-2 district).

I am not sure if the new owner plans to live there – which would help – but I am also not sure how much it meets the home occupation criteria either.

People immediately around this building and all along New Scotland Avenue are concerned about “creeping commercialism.”

I let the real estate agent know of the limitations of the uses prior to the sale via an email when I saw it was listed as commercial – mixed use – but have no idea what was conveyed to the new owner.

I would appreciate knowing about any conversations you and your staff have had about this building.

Thanks

Judy

CITY OF ALBANY



NEW YORK

DEPARTMENT OF PLANNING AND DEVELOPMENT

MAYOR: KATHY M. SHEEHAN
COMMISSIONER: CHRISTOPHER P. SPENCER

www.albanyny.gov

August 9, 2018

Naviasky Law Firm, PLLC
Laurence Naviasky
1802 Eastern Parkway
Schenectady, NY 12309

RE: 372 New Scotland Avenue (75.35-2-6)

Dear Mr. Naviasky:

I am in receipt of your application for a Zoning Compliance Certification relative to the permitted use of the above-referenced premises.

The property referenced above is located in a Two-Family (R-2) zoning district¹. Your application states that up until September 2017, the property was used as an office. Offices² are not a permitted use as of right in the R-2 district.

However, a review of the records available to this office has yielded documentation that the property was used as an office prior to the effective date of any regulation prohibiting such use. Such use therefore exists as a legally nonconforming use subject to the provisions of §375-5(F)(3).

Please be advised that no nonconforming use may be reestablished after it has been discontinued or vacated for a period of one year or more.³

Should you have any additional questions or concerns on this or any other matter, please do not hesitate to contact my office.

Truly yours,

Christopher P. Spencer
Commissioner of Planning & Development

¹ For a full explanation of permitted uses at this address, please consult Chapter 375 of the Albany City Code, in particular the Permitted Use Table in §375-3(B).

² **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. Section 375-6(B) of the Albany City Code.

³ §375-5(F)(3)(c)(i) of the Albany City Code



o New York State Beauty Salons and Spas

Search!

A Guide for Consumers to identify safe practices when interacting with New York State beauty salons and spas.

Although many consumers do not think that health and safety issues are serious considerations when getting a facial, body wrap, waxing or having their nails done, most beauty treatments involve actions that can be dangerous, if not performed by properly trained and licensed personnel. Bacterial infections, transmission of diseases, adverse reactions to substances and other physical injuries can all be the result of improperly performed treatments.

Selecting a Salon or Spa

All beauty treatment specialists as well as all spas and salons must be licensed to legally operate within New York State. The consumer should thus look for:

- A business license shall be displayed at the entrance or another conspicuous location in the spa or the salon where the licensed activities are performed
- A license with a photograph, for each operator within a spa or salon

In New York State, there are five different designations for beauty specialists:

- Cosmetologist
- Esthetician
- Nail Specialist
- Natural Hair Styling Specialist
- Waxing Specialist

What if I cannot locate a license?

If you do not see either a current business license or a current NYS issued cosmetology, nail, esthetic, waxing or natural hair styling license on display, ask the service provider to show it to you.

What should I do if they cannot show me a license?

If a license is not available for your viewing, you may want to verify the provider's licensure by contacting the NYS Department of State, Division of Licensing at (212) 417-5747 or access the Licensing Services' online database at www.dos.ny.gov.

What other information should be posted at the spa/salon?

In addition to licenses, an itemized list of all services performed and prices charged for those services should be displayed near the entrance or reception area.

Can any operator perform any service I need?

A provider should be licensed in the services that they are performing. All personal services offered in New York State require that the individual offering these services have the proper training and be licensed to offer that particular service to the consumer. The General Business Law in New York State covers services that include:

- Hair and Chemical Services
- Nail Services
- Waxing and Hair Removal Services
- Face and Body Treatments

It is important to note that not all practitioners are licensed to perform all services. NYS licensed cosmetologists can legally perform hair services, nail services, skin services and waxing. Estheticians can perform all services except hair and nail services. Nail, Waxing and Natural Hair Styling specialists can only perform those specific services for which they are licensed. Nail Specialists *cannot* perform waxing services in New York State.

Safety Guidelines:

It is important to note a number of safety guidelines that all practitioners should be following:

- The facility where any service is being offered should be clean, in good repair and free from dangerous conditions or hazards.
- Sufficient space with good lighting should be provided to ensure the safety and health of the consumer.
- Hot and cold running water, toilet facilities, and covered containers for paper and waste should be provided.
- State regulations require that a provider follow infection control procedures that protect the provider and the client. Hand washing is required of all nail care clients and providers prior to a nail service being performed.
- Tables and beds used for personal services should be sanitized/cleaned between each client.
- All implements that may abrade or clip superficial skin should be immersed in an EPA-approved disinfectant for at least 10 minutes and disinfected after each use.
- Porous manicuring and waxing implements such as emery boards, block buffers and waxing sticks and other implements that cannot be disinfected should not be used for more than one person.
- Gloves should be worn by operators performing waxing or extractions.
- Disposable supplies such as cotton, sponge applicators and paper products should never be used for more than one person.
- Disposable towels and paper table coverings should only be used as a single-use item.
- Other tools used to provide services should be cleaned, then disinfected after each client, using an EPA-approved disinfectant. These tools include but are not limited to scissors, razors, clippers, combs, brushes, capes and bowls.

The consumer should be able to observe the provider performing these duties between client services. Your technician may meet these requirements by providing a kit for each client and/or disposing of single-use items after each client.

Are there implements that are prohibited or limited from use?

Yes. Some items can be used only once per client and other items can not be used at all in performing services.

- The use of chamois buffers, pumice stones, credo blades and styptic pencils and bar soap is prohibited.
- The use of non-disposable powder puffs, sponges or neck dusters, which cannot be immersed in an EPA-approved hospital grade disinfectant is prohibited.
- Other items that can be used for only one application and disposed of include emery boards; nail white pencils (unless sharpened after each use), shaving mugs without the use of sanitary paper or plastic liners and razors for more than one application.
- Finger bowls, pedicure bowls and footbaths must be cleaned, rinsed and disinfected after each use.
- All sharp or pointed items should be stored when not in use.
- All fluids, creams and powders must be dispensed with shakers, dispenser pumps, spatulas or sprays to prevent contamination.

Client safety: Negative reactions

In the event that you have a negative reaction to a chemical service performed, tell the technician. If the sensation is extreme, or if you think you may be having an allergic reaction, ask the technician for a Material Safety Data Sheet (MSDS) and seek medical attention.

Complaints

Anyone who believes he or she is a victim of an untrustworthy or incompetent licensee of the Department of State, or who is aware of unlicensed conduct, should contact the Department of State at (212) 417-5747 or access the Department's website at www.dos.ny.gov and complete a licensee complaint form.

PERMIT

To Operate a
Tattoo Studio

This is to certify that
Kathleen M Cronin-Carr

the operator of
COLOUR COSMETIC STUDIO INC.
at
1525 WESTERN AVENUE-SUITE 2

Located in the *CITY* of *ALBANY* in *ALBANY* County
is granted permission to operate said establishment in compliance with the provisions
of **local sections of the State Sanitary Code** and
under the following conditions:

(1) This permit is granted subject to any and all applicable State, Local and Municipal Laws,
Ordinances, Codes, Rules and Regulations.



Effective Date August 01, 2018
Permit is **NON-TRANSFERABLE**

Elizabeth Whalen, M.D., M.P.H.
Permit Issuing Official

This permit expires on **July 31, 2019** and may be revoked or suspended for cause.

THIS PERMIT SHOULD BE POSTED CONSPICUOUSLY

Facility Code TAT01158

Permit Number TAT01158

Operation ID 901129

ALBANY COUNTY
DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL HEALTH SERVICES

**TATTOO ARTIST
CERTIFICATE**

Pursuant to the provisions of
Albany County Local Law No.4 for 1999

Kathleen Cronin-Carr

HAS BEEN CERTIFIED TO PRACTICE AS A
TATTOO/BODY PIERCING ARTIST
IN THE COUNTY OF ALBANY

EFFECTIVE DATE:
August 1, 2018

EXPIRATION DATE:
July 31, 2019



CERTIFICATE NO: 310

Elizabeth F. Whalen, MD, MPH

Elizabeth F. Whalen, MD, MPH
Commissioner of Health

croninkathleen@colourcosmeticstudio.com

CITY OF ALBANY
DEPARTMENT OF BUILDINGS & REGULATORY COMPLIANCE
 200 Henry Johnson Boulevard
 Albany, NY 12210
 Phone (518) 434-5995
 codes@albanyny.gov



GENERAL BUILDING PERMIT APPLICATION

A building permit is needed before any general construction, repair, rehab, gutting, or other work may be done. Project-specific building permit applications may be available. Additional permits are required for specialized work such as electric or plumbing work which requires a license. Please refer to our website or ask our staff if you have any questions about what permits your project requires.

JOB SITE ADDRESS: <u>372 New Scotland Avenue, Albany New York</u>		ZIP: <u>12208</u>	1
PROPERTY ACCT # <u>20386</u>	ZONE: <u>R-2</u>	OVERLAYS: <u>CS-0</u>	2
THIS INFORMATION IS AVAILABLE AT HTTPS://ALBANYNY.MAPGEO.IO			3
APPLICANT: <u>Kathleen Cronin-Carr</u>		ZIP: <u>12211</u>	4
ADDRESS: <u>8 Graystone Rd</u>		PHONE: <u>(518) 491-1554</u>	5
EMAIL: <u>croninkathleen@colourcosmetic.com</u>			6
HOW WOULD YOU LIKE TO RECEIVE YOUR PERMIT? (PLEASE CHOOSE ONE) PICK-UP <input type="checkbox"/> MAIL <input type="checkbox"/> OR EMAIL <input checked="" type="checkbox"/>			
<small>THE APPLICANT WILL BE NOTIFIED BY EMAIL ONLY WHEN THE PERMIT IS READY FOR PICK-UP. WHERE "PICK-UP" IS SELECTED, PERMITS THAT ARE NOT PICKED UP AT OUR OFFICE WITHIN 6 MONTHS OF ISSUANCE WILL BE MARKED "VOID". IF YOU WOULD LIKE TO RECEIVE YOUR PERMIT BY MAIL, PLEASE INCLUDE A STAMPED, SELF-ADDRESSED ENVELOPE WITH THIS APPLICATION.</small>			
OWNER (IF DIFFERENT): <u>Karen Kohl</u>			
ADDRESS: <u>112 Devon Road, Delmar NY</u>		ZIP: <u>12054</u>	7
EMAIL: <u>NSC0372@aol.com</u>		PHONE: <u>(518) 439-6144</u>	8
PROPOSED PROJECT: (PLEASE PROVIDE A DETAILED DESCRIPTION OF THE WORK TO BE DONE): <u>Change of Tenancy</u> 			
DETAILED SITE PLANS OR OTHER DOCUMENTS DETAILING THE PROJECT ARE ATTACHED (RECOMMENDED): Yes <input type="checkbox"/> No <input type="checkbox"/>			
CURRENT USE OF THE PROPERTY: <u>Doctors Office-Last used 12/2017</u>			
CHANGE OF USE: DOES THIS PROJECT INVOLVE A CHANGE OF USE OR TENANCY AT THE PROPERTY? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
<small>IF "YES", PLEASE COMPLETE OUR "CHANGE OF USE OR TENANCY" APPLICATION (BRC FORM 033) AND ATTACH IT TO THIS PERMIT APPLICATION.</small>			
DEVELOPMENT PERMIT: IS THIS PROJECT THE SUBJECT OF A PLANNING DEPT ISSUED DEVELOPMENT PERMIT. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
TOTAL COST OF WORK: _____		PERMIT FEE: \$ _____	10
<small>INCLUDING LABOR & MATERIALS. BRC STAFF RESERVE THE RIGHT TO CONDITION CLOSURE OF A PERMIT, INCLUDING ISSUANCE OF A CERT. OF OCCUPANCY ON PROOF OF TOTAL WORK COST.</small>		<small>FEEs DEPEND ON THE PROJECT TYPE. SEE OUR WEBSITE FOR OUR FEE SCHEDULE OR CALL OUR OFFICE AT (518) 434-5995 TO SPEAK WITH OUR STAFF ABOUT FEE CALCULATION.</small>	11
<ul style="list-style-type: none"> • APPLICATIONS MUST BE ACCOMPANIED BY PROOF OF WORKER'S COMP INSURANCE OR A FORM BP-1 "AFFIDAVIT OF EXEMPTION" AND FOR PROJECTS WHERE THE TOTAL COST OF WORK IS MORE THAN \$10,000 PROOF OF LIABILITY INSURANCE NAMING THE CITY OF ALBANY AS ADDITIONALLY INSURED. • WORK THAT WILL OBSTRUCT A PUBLIC RIGHT OF WAY WILL REQUIRE A SIDEWALK & BARRICADE PERMIT. • AN ADDITIONAL INSPECTION FEE OF \$100 MAY BE CHARGED WHERE PREVIOUSLY CITED CORRECTIONS HAVE NOT BEEN MADE, NO ONE IS AVAILABLE TO MEET OUR INSPECTOR OR THE WORK IS NOT READY FOR INSPECTION AT A SCHEDULED INSPECTION, AND WHERE THE INSPECTION IS REQUESTED TO ISSUE A TCO • NEW STRUCTURES AND SUBSTANTIAL ADDITIONS OR ALTERATIONS, INCLUDING TWO-STORY DECKS AND ALTERATIONS TO OR REMOVAL OF LOAD-BEARING BUILDING COMPONENTS, MUST BE ACCOMPANIED BY PLANS STAMPED BY A LICENSED ENGINEER OR ARCHITECT. 			
PERMIT NO.: <u>COT-18-7440</u>	DATE REC'D: <u>8/20</u>	REC'D BY: <u>[Signature]</u>	S&B PENDING <input type="checkbox"/> SCANNED & SAVED <input type="checkbox"/>

CITY OF ALBANY

DEPARTMENT OF BUILDINGS & REGULATORY COMPLIANCE

200 Henry Johnson Boulevard

Albany, NY 12210

Phone (518) 434-5995

codes@albanyny.gov



CHANGE OF USE OR TENANT APPLICATION

A change of use or tenant application must be submitted wherever there is a change in the nature or extent of the use at a property. This includes cases where one business is replacing another, even if the use itself remains the same. Use types are set out in the City and State code. **Approval of this application does not authorize that any work that must comply with State or City laws be performed at the property.**

<small>NOTE: IF THIS APPLICATION IS BEING SUBMITTED AS AN ATTACHMENT TO ANOTHER APPLICATION, YOU DO NOT NEED TO COMPLETE BOXES 1 THROUGH 4.</small>	
JOB SITE ADDRESS: <u>372 New Scotland Avenue</u>	ZIP: <u>12208</u>
PROPERTY ACCT #: <u>20396</u>	ZONE: _____ OVERLAYS: _____
<small>THIS INFORMATION IS AVAILABLE AT HTTPS://ALBANYNY.MAPGEO.IO</small>	
APPLICANT: _____ ZIP: _____	
ADDRESS: _____ PHONE: (____) _____	
EMAIL: _____	
<small>THE APPLICANT WILL BE NOTIFIED BY EMAIL WHEN THE PERMIT IS READY FOR DELIVERY.</small>	
HOW WOULD YOU LIKE TO RECEIVE YOUR PERMIT? (PLEASE CHOOSE ONE): PICK-UP <input type="checkbox"/> MAIL <input type="checkbox"/> OR EMAIL <input type="checkbox"/>	
<small>WHERE "PICK-UP" IS SELECTED, PERMITS THAT ARE NOT PICKED UP AT OUR OFFICE WITHIN 6 MONTHS OF ISSUANCE WILL BE MARKED "VOID". IF YOU WOULD LIKE TO RECEIVE YOUR PERMIT BY MAIL, PLEASE INCLUDE A STAMPED, SELF-ADDRESSED ENVELOPE WITH THIS APPLICATION.</small>	
OWNER (IF DIFFERENT): <u>KAREN KOHL</u>	
ADDRESS: <u>112 Devon Road, Delmar, NY</u> ZIP: <u>12054</u>	
EMAIL: <u>NSCO372@AOL.COM</u> PHONE: <u>(518) 439-6144</u>	
WORK: WILL ANY WORK BE DONE TO THE BUILDING CONTAINING THE PROPOSED USE AS A RESULT OF THE PROPOSED CHANGE OF USE? IF "YES", A BUILDING PERMIT APPLICATION WILL LIKELY BE REQUIRED IN ADDITION TO THIS FORM. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
VACANCY: IS THIS PROPERTY CURRENTLY VACANT? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> IF SO, HOW LONG HAS IT BEEN VACANT? <u>4 mos</u>	
CURRENT USE: <u>Doctors office - Last used 12/2017</u>	
<u>Rental Apartment - Last occupied 4/2018 (second floor)</u>	
CURRENT BUSINESS/ENTITY NAME (IF APPLICABLE): <u>N/A</u>	
CURRENT HOURS OF OPERATION (IF APPLICABLE): <u>N/A</u>	
LENGTH OF USE: HOW LONG HAS THE PROPERTY BEEN USED THIS WAY? <u>Since the early 1950's</u>	
<small>NOT REQUIRED UNLESS APPLICANT SEEKS TO "GRANDFATHER" EXISTING NON-CONFORMING USE.</small>	
PROPOSED USE (PROVIDE A DETAILED DESCRIPTION OF THE PROPOSED USE): _____	

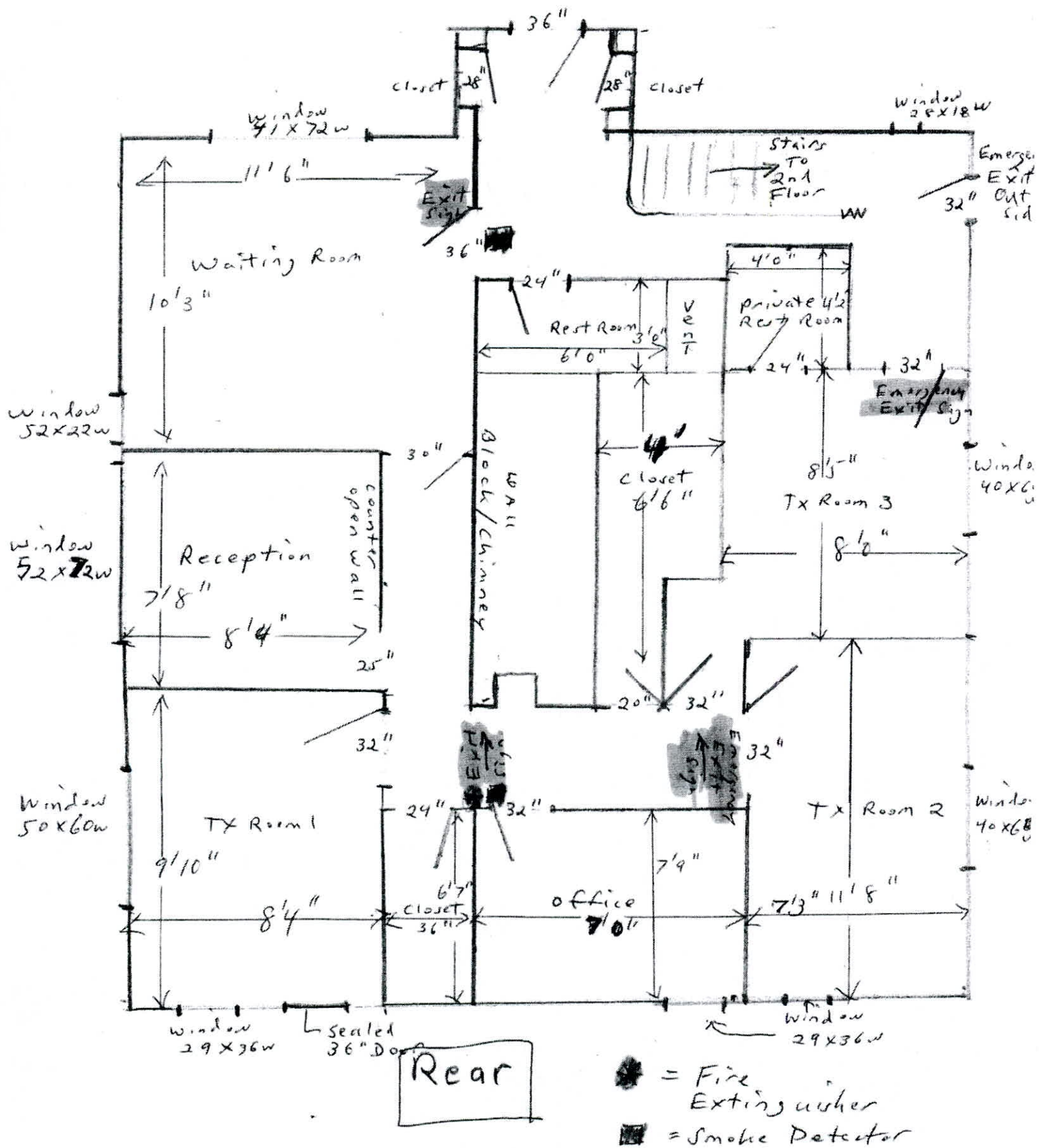
PROPOSED BUSINESS/ENTITY NAME (IF APPLICABLE): _____	
PROPOSED HOURS (IF APPLICABLE): _____ DETAILED USE PROPOSAL ATTACHED (RECOMMENDED): YES <input type="checkbox"/> NO <input type="checkbox"/>	
<ul style="list-style-type: none">• APPLICATIONS MUST BE ACCOMPANIED BY A DETAILED LAYOUT OF THE SPACE IN QUESTION, INCLUDING THE LOCATION, WIDTH & HEIGHT OF ALL EXITS, WALLS, ROOMS, AND WINDOWS AS WELL AS EXIT SIGNS, WHERE EXITS LEAD TO, FIRE SAFETY SYSTEM INFORMATION, AND FIRE-RATING OF ALL WALLS WHERE KNOWN. DRAWINGS MUST ALSO INDICATE ON WHICH STORY THE SPACE IS LOCATED AND COMPLIANCE WITH USE-SPECIFIC BUILDING CODE REQUIREMENTS, IF ANY. ADDITIONAL INFORMATION, INCLUDING STAMPED PLANS, MAY BE REQUIRED DEPENDING ON THE SPACE OR THE USE CHANGE IN QUESTION.• DETAILED USE PROPOSALS SHOULD INCLUDE A FULL DESCRIPTION OF THE PROPOSED USE, THE NATURE OF THE PROPOSED USE, AND EXISTING USES SIMILAR TO THE PROPOSED CHANGE OF USE. PLEASE CONSULT THE BACK OF THIS FORM AND THE ALBANY CITY CODE FOR MORE INFORMATION ON USE DEFINITIONS.	
PERMIT FEE: \$125 <small>(THIS FEE ONLY APPLIES WHEN NOT ACCOMPANIED BY A PERMIT APPLICATION FOR WORK ASSOCIATED WITH THE CHANGE OF USE OR TENANCY)</small>	
PERMIT NO.: _____	DATE: _____ REC'D BY: _____
PROPOSED CITY CODE USE: _____	BUILDING CODE OCCUPANCY CLASS: _____

ATTACHMENT TO ZONING COMPLIANCE CERTIFICATE APPLICATION
FOR 372 NEW SCOTLAND AVENUE

The premises has most recently been used as a chiropractic office. The practice closed mid-September, 2017. The Applicant is presently under contract to purchase the premises, and wishes conduct here business from the prior chiropractic offices. The services Applicant will offer are as follows: 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 micro-pigmentation to the scalp known as Simulated Hair Follicle (SMP); and micropigmentation to correct and diminish scars and vitiligo. Also, the offices 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.

Front

Rear





City of Albany
Department of Buildings and Regulatory Compliance
200 Henry Johnson Blvd. - Suite 1
Albany, NY 12210
(518) 434-5995

INVOICE

Receipt Date: 8/20/2018 Transaction No.: COT18-7440
Fee Type: Building Permit Application Account Code: (A193) A.1000 2550
Amount: \$125.00 Payment Type: Check/Money Order
Address: 372 New Scotland Avenue
Paid By: Kathleen Cronin-Carr

Staple Check or Credit Card Receipt Here -
Make sure all checks are stamped "FOR
DEPOSIT ONLY"

Associate ID

4

COLOUR COSMETIC STUDIO, INC

MAIL BOX 5
1525 WESTERN AVE STE 2
ALBANY NY 12203-3537

1057

1-32/210 NY
19121

DATE 01/20/18

PAY
TO THE
ORDER OF

City of Albany \$ 125.00
One Hundred Twenty Five & no/100 DOLLARS

Bank of America



ACH R/T 021000322

FOR

Charge of Jan
Blas Korman

Kathleen Cronin-Lane MP

⑈001057⑈ ⑆021000322⑆ 483047625968⑈

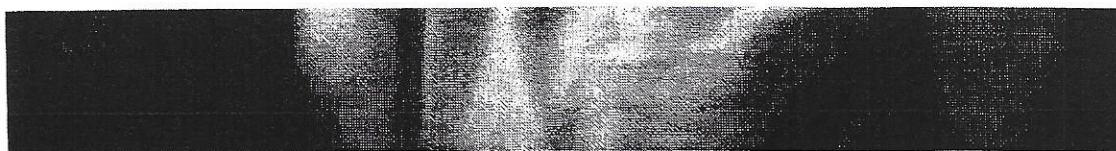
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SOFTAP® INC TRAINING OFFERED

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~

Our methods offer the most natural look!

Microblading

~

Micropigmentation

~

Permanent Makeup Cosmetic Tattoo

Eyebrows~ Eyeliner~ Lips

~

Corrective Para-medical Tattoo

Non-laser Tattoo Removal & Lightening

~

MicroINKed for Scalp micropigmentation

Hair Follicle Simulation

(SMP)

***We use only the finest hypo-allergenic cosmetic pigments
and patented tools to achieve
outstanding natural looking results***

***Permanent Cosmetic makeup
is a HIGHLY specialized method of tattoo
called
Micropigmentation.***

***This is a process that places micro-pigments
just under the epidermal skin layer
at a micro-depth.
Specialized hand tools
and state of the art micropigmentation machines are used.
THIS IS NOT BODY ART TATTOO!***

~

***Experienc & training matter!
Be sure to ask for the amount and quality of training
and actual photos of work by artist!
Make sure you ask for proof of training.***

Taking a 2 day course in Microblading is NOT enough...

~

***Kathleen Cronin, RN, CPCP
is a master trained artist & instructor
Offering***

***3D Microbladed eyebrows
Feathered or powdered eyebrows
Combination Shaded & Hairstroke Brows
Permanent eyeliner
Eyelash enhancement
Lip Stain & Lip Liner
Para-medical Micropigmentation***

SMP

(Hair Follicle Stimulation)

Tattoo Removal & Lightening / non-laser

~

Credentials and training listed below!

~

Kathleen Cronin, RN also has master level training in

Corrective Paramedical Micropigmentation Tattoo

Areola Restoration

(Nipple Tattoo or Areola Tattoo)

after mastectomy or breast surgery

Microneedling

**Corrective camouflage for lost or uneven pigment
of the skin due to scars from surgery or injury,
loss of pigment from vitiligo & hypopigmentation**

Hair Follicle Simulation (SMP)

for bald spots and alopecia.

518-776-0067

**You can leave a message with reception
or in our voice mail.**

**If we do not return your call that day,
please be kind enough to call again.**

**Many days, I am not able to return your call
until the evening hours.**

www.colourcosmeticstudio.com

www.microinked.com

~

CREDENTIALS & TRAINING

Kathleen Cronin, RN, CPCP

Registered Professional Nurse since 1980

Master trained Microblading & Permanent Cosmetic Artist

CERTIFIED PERMANENT MAKEUP PROFESSIONAL

SOFTAP PERMANENT MAKEUP INSTRUCTOR

PERMANENT MAKEUP TRAINER

Licensed NYS Cosmetic Tattoo Artist

CREDENTIALS

CERTIFIED SofTap® Inc.

Micropigmentation / Microblading Trainer

- Eyebrow Microblading / Shading
- Eyeliner
- Full lip Shading and Liner
- Scar Camouflage
- Tattoo Removal & Lightening
- Advanced Techniques
- Corrections

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Livermore, CA 94551

<http://www.softaps.com/consumer/>

SofTap® Inc.

- Fundamental of Micropigmentation

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<http://www.softaps.com/consumer/>

SofTap® Inc.

Master Advanced Training

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PHIBROWS Academy
Microblading Academy USA

- Phibrow Microblading

Kler Rosenberg
Boca Raton, FL 33433
<https://microbladingacademyusa.com/about/>

The Beau Institute
Areola & Scar Camouflage
Natural Sea Salt Saline Tattoo Removal and Lightening
2000 Academy Drive
Suite 400
Mt. Laurel, NJ. 08054
<http://www.beauinstitute.com/medical-professionals.php>

VICKY MARTIN Master Trainer & Artist
United Kingdom

- Advanced Areola tattoo

NOUVEAU CONTOUR
MASTERS IN MICROPIGMENTATION

- Masters training Machine
- Eyebrow / Hairstroke, Ombre / Powder
- Eyeliner
- Lips Lining/Shading

111 N. Orange Ave, Suite 775 S
Orlando, Florida. 32801
<https://nouveaucontourusa.com>

Mary Ritcherson Nano Lines
Advanced Hairstroke Nano Lines

- Master machine Hairstroke training

8593 W. Linebaugh Ave.
Tampa, FL 33625
<http://www.permanentmakeupbymary.com/MEET-MARY.html>

Mary Ritcherson Micro-needling

- Certified Micro-needling

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Tampa, FL 33625
<http://www.permanentmakeupbymary.com/MEET-MARY.html>

Will Anthony® Permanent Cosmetics
& Advanced Training Center

- Advanced Eyeliner

3271 Tamiami Trail b
Port Charlotte, FL 33952
<http://willanthonycosmetics.com>

G-2

Scalp Aesthetics (Miami)

- SMP SCALP FOLLICLE SIMULATION

300 W. 41st Street

Suite 200

Miami Beach, FL 33141

<http://www.tricopigmentation.co/locations/miami-fl/>

A+ Ocean Tattoo Removal

- Advanced technician

127 Forest Lake Blvd S, Ste 3,

Oldsmar, FL 34677-3028

In addition:

- Current Licensed Registered Nurse in NYS
- CPR Instructor 27 years
- Certified in Medical Aesthetics Administration
 - Botox
 - Fillers
 - Mesotherapy
 - Schlerotherapy
 - Laser
 - Anti-aging Bio-identical Hormone Therapy
 - Weight Control Nutritional Counseling
- Certified Personal Trainer
- MEMBER OF SPCP (Society of Permanent Cosmetic Professionals)
- CPCP / Certified Permanent Makeup Professional



G-2



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Colour Cosmetic Studio, inc. (Albany Location)

About Services Offers

About Services Offers

Schedule Now

Last booked 7 hours ago About

Trust Kathleen, an experienced RN with your natural looking Microbladed Brows & Permanent Makeup. Specializing in Eyebrows, Lip liner and fill & Eyeliner Also offer Para-medicalmicropigmenta for Areola & Scalp micropigmentation for hair loss (SM

Additional Info

We welcome Nora Quinn, Lic. NYS Esthetician beginning October 8, 2018. Please refer to skin care services offered by Nora Quinn.

1525 Western Ave. Suite 2, Albany, NY 12203

Looking for another location?

Change Location

Colour Cosmetic Studio, inc. (Albany Location)

1525 Western Ave. Suite 2 Albany, NY 12203

Colour Cosmetic Studio, inc. @ 372 New Scotland Ave.,

New Location Albany, NY 12208

Staff



KATHLEEN CRONIN, RN Micropigmentologist Schedule with Kathleen Cronin, RN, for a soft natural looking microblading and natural feathered eyebrows and permanent make up. We also offer para-medical micro-pigmentation: Areola and Scalp pigmentation (SMP) We welcome NORA Q to our staff beginning July 2018 For expert natural eyelash extensions, please ask for NORA...beginning JULY 2018 Saturdays must call for appointment. Also in Saratoga @ Mary Martin & Co. Day spa by . Call 518-776-0067. Hours vary.



Nora Quinn , Lic. Esthetician Nora joins our studio and we are happy to have her. She offers Skin Ceutical facials and skin care as well as many other services to keep your skin in wonderful condition.

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Last booked 7 hours ago

[Address](#)

1525 Western Ave. Suite 2, Albany, NY 12203

[Show Map](#)

[Change Location](#)

Colour Cosmetic Studio, inc. (Albany Location)

1525 Western Ave. Suite 2 Albany, NY 12203

Colour Cosmetic Studio, inc. @ 372 New Scotland Ave.,

New Location Albany, NY 12208

[Hours](#)

Hours differ for Kathleen Cronin, RN & Nora Quinn, Esthetician Please allow 24 business hours for a call back. Please call again if we do not return your call...some days are just so busy and thank you!

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License Information: Esthetics AEE-18-08295

Licensee Detail

License Number: AEE-18-08295

Name: Nora Quinn

County: Albany

License State: NY

License Issue Date: 09/19/2018

Current Term Effective Date: 09/19/2018

Expiration Date: 09/19/2022

Agency: Department of State

License Status: Active

► Related Records



Record list

Showing 0-0 of 0

<u>Date</u>	<u>Record Number</u>	<u>Record Type</u>	<u>Description</u>	<u>Project Name</u>	<u>Expiration Date</u>	<u>Status</u>
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No records found.

[Submit](#)

Your browser does not support JavaScript.

From: Judy Doesschate [mailto:judydoesschate@nycap.rr.com]
Sent: Saturday, June 09, 2018 4:34 PM
To: 'Robert Magee'
Cc: 'Richard LaJoy'; 'mayor@albanyny.gov'; Brian Shea (bshea@albanyny.gov); 'Tom Keefe (tomk@nycap.rr.com)'; David Galin (dgalin@albanyny.gov); 'Bill Kelly'
Subject: RE: 372 New Scotland Ave

Robert –

Needless to say, I am very disappointed in your response to my letter of last month indicating that you have reached the conclusion there is nothing the buildings dept can do to address the signs in front of 372 New Scotland Avenue that advertise chiropractic services (and included Mr. Kohl's name as a licensed chiropractor) although Mr. Kohl has forfeited his license to practice as a result of pleading guilty to sexual assaults....and that you believe Mr. Kohl's practice was (and apparently you believe still is) a legal non-conforming use despite him no longer be licensed to be a chiropractor.

In your email you did not address section 375-4(l)(6)(E) of the current zoning code which unequivocally states:

“E. OBSOLETE SIGNS

Any on-premises sign that no longer advertises an existing business conducted or product sold on the premises upon which such sign is located shall be removed unless it is architecturally or historically significant, or is considered to be a character-defining feature of the building or district.”

I don't believe under any stretch of the imagination, a judge would conclude that the continued placement of a sign for a business that no longer operates on the premises is a pre-existing non-conforming use that the city must allow the owner to post (certainly not protected speech given it is false and misleading and a potential danger to the public).

Even if you and Mr. Kohl could argue a pre-existing non-conforming use that requires the City to apply only the prior code under which this sign was erected – the continued posting of these signs also do not comply with the prior codewhich provided “Any sign, existing on or after the effective date of this chapter, which no longer advertises an existing business conducted or product sole on the premises upon which such sign is located shall be removed.” (section 307-11)

That prior section of the code allowed the administrator to remove a sign that is not used or is abandoned upon written notice to the owner.to remove a sign which is the source of immediate peril to any personto revoke any permit and/or effect the removal of any sign erected thereunder if the sign contains any material misstatement of fact or is otherwise false or misleading.

Below is the excerpt from NYT re Seth Kohl forfeiting his license. Final action to do so was taken by the Board of Professions in February of this year and available on the office of professions public website --- so there can be no doubt that all of the signs are false and misleading – contains a material misstatement of fact...and, under our current and prior code, does not advertise “an existing business” on the premises.

As a result, contrary to your email, it seems to me that the Buildings Dept clearly has the authority to require the removal of the signs....and if the signs are not removed by the owner, both fine the owner and abate the violation.

Additionally, I note that your analysis regarding this being a non-conforming use is otherwise not consistent with the facts....

The prior chiropractor lived in the property – in the upstairs apartment. It was a legal home office as a chiropractor's office and would have been "grandfathered" in as that. Mr. Kohl's use has never been consistent with the potential grandfathering in – because Mr. Kohl has never lived there.

Your presumptions regarding the issuance of the sign permit are wrong.

The permit had been issued in error (clearly admitted by the administration at the time per our former Common Council rep – Tom Nitido at the time) – but the administration did not want to pursue a revocation of that sign permit. It was oversized and not legal at the time.

Nor did they want to enforce the unauthorized use provisions. That does not mean it was legal.

However, more importantly, my understanding is that if a non-conforming use has ceased for 12 months, then the illegal use is no longer grandfathered.

Please confirm that is also your understanding.

If so – below is an excerpt from a NYT.com showing that he was arrested on June 27, 2017 and ceased to operate his office at that time....if not before.

My understanding is that either the DA or NYSED required him to not operate his practice while charges are pending (which may have been the case in NYSED's case before he was actually arrested).

So, minimally, effective June 27, 2018, the only activities allowed there are those authorized in an R-2 district.....which does not include any professional services unless the provider of such services lives on the premises.

Under the circumstances, I think it would be appropriate for the city to send a letter to Mr. Kohl immediately and copy the DA and SED and advise him that he needs to remove the sign per the above-cited provisions relating to obsolete signs.

Then – send a second letter on June 27th letting him know unequivocally that as of June 27th the premises are no longer grandfathered in and the only activities permitted on the premises are those that are authorized under R-2 zoning. (so he can't sell to some unsuspecting soul arguing it can legally be used for a professional office....especially since you have said he now intends to market the property.)

I would appreciate your and Rick reviewing this situation and letting me know what action, if any, you intend to take.

Thanks

Judy

June 27, 2017 11:26 PM

ALBANY - For more than twenty years, inside a quaint looking chiropractic office at the corner of New Scotland Avenue and Rampsey Place in Albany, patients have gone to see Dr. Seth Kohl, asking for relief from sciatica to slipped discs to spinal stenosis.

But according to police, two female patients got more than they were asking for.

"The first victim came forward in August of last year during a chiropractic visit," said Albany Police Spokesman Steve Smith. "We began an investigation and while conducting that investigation we were informed that another patient was touched by the same doctor."

Those women's ages were 64 and 51. Their complaints have led to misdemeanor charges of sexual abuse 2nd degree against Dr. Kohl.

"It was a lengthy investigation," Smith said, "If she (the second alleged victim) didn't come forward, there still would have been an arrest. The doctor committed a crime in the first incident. He did in the second incident too."

Aimed to allow Dr. Kohl to tell his side of the story, News Channel 13 rang the doorbell of his Delmar home Tuesday night, but even though there were two cars parked in the driveway, no one answered the door.

Meanwhile, back at his Albany office, a yellow post-it note stuck to the door notified patients that Tuesday appointments were canceled. At this point, future visits are uncertain.

"Right now we're conducting an investigation to maybe (find) similar incidents," Smith says, "We're asking anybody who may have been victimized to come forward."

After his arraignment, Dr. Kohl was set free on his own recognizance.

January 12, 2018 02:03 PM

ALBANY - An Albany chiropractor was sentenced Friday after pleading guilty back in October to sexually abusing patients.

Seth Kohl received six years of probation.

Prosecutors say he had sexual contact with two patients at Albany Chiropractic on New Scotland Avenue -- one in February, the other in August.

One of the victims was in court for the sentencing and didn't want to hide her face or identity as she spoke.

"I cancelled so many needed doctor's appointments, because how could I trust another healthcare professional when one had already violated me," wondered Dorie Viovannetti. "I began this journey as a victim of sexual assault. I will continue this journey as a survivor of sexual assault."

From: Robert Magee [mailto:rmagee@albanyny.gov]

Sent: Saturday, June 09, 2018 1:40 PM

To: 'judydoeschate@nycap.rr.com'

Cc: Richard LaJoy

Subject: 372 New Scotland Ave

Hi Judy,

Rick and I talked about this issue on Friday and I've done some digging. According to our records, 372 New Scotland Ave has been operated as a physician's office since 1967 so it's likely that the use as such was grandfathered in, especially given that a chiropractor's office would not have been an approved home occupation without BZA approval under the pre-ReZone rules. The owner also produced a certificate of completion from 1997 from the buildings department with respect to the sign after he was cited for it. That the we approved the sign 21 years ago undermines the building department's ability to sustain a code enforcement action with respect to the sign. This approval would also bolster a conclusion that the current use was grandfathered in (in that the question of legal use would presumably have arisen and been resolved in Mr. Kohl's favor when the sign was applied for). As such there's much the buildings department can do to address the underlying problem of Mr. Kohl practicing as a chiropractor without a license.

My hope is that NYSED will have tools more appropriate to resolving the matter and, in any event, the Kohls have expressed to Rick that they are preparing the property for sale.

Robert Magee, Deputy Corporation Counsel

City of Albany

Department of Law

(518) 434-5995 • (518) 434-6015 Fax

From: Judy Doesschate [mailto:judydoesschate@nycap.rr.com]
Sent: Friday, September 28, 2018 12:23 PM
To: 'Christopher Spencer'
Cc: Bradley Glass; 'Al DeSalvo'; 'Richard LaJoy'; Brian Shea; David Galin; 'Kathy Sheehan'; tomk@nycap.rr.com; rimagee@albany.gov; 'Bill Kelly'; Judy Doesschate
Subject: 372 New Scotland Avenue - Change in Use of nonconforming Chiropractic office zoned R-2
Importance: High

Chris –

I learned late yesterday from Rick LaJoy that your office approved the operation of a business at 372 New Scotland Avenue that requires a “tattoo and /or body piercing artist certification” and that Rick issued a CO for the operation of this business. I am not sure how I am finding this out just now although I have made several inquiries previously regarding this property and zoning and code violations and permitting (in May 2018 and other times before and after) and was told on Sept. 10, 2018 that nothing had been issued regarding zoning or permitting, and all I was told Wednesday in response to my inquiries was the zoning compliance certificate that allowed the operation of an “Office” (based upon a unsubstantiated claim that the “office closed in mid September 2017”) Despite my inquiries, no one told me a CO had been issued for this tattoo parlor until late yesterday – which expands this non-conforming “Office” use (which was not entitled to be “grandfathered” in) to a “Personal or Business Services” use.

This decision is a complete violation of our zoning code, a detriment to our neighborhood that has potential consequences for years to come, and I ask that you immediately rescind it.

This property is zoned R-2.

Ms. Cronin is licensed by the County of Albany as a “tattoo and/or body piercing artist” and is registered as a “tattoo shop” at 1525 Western Avenue where she provides the same kinds of services that she plans to provide at 372 New Scotland Avenue.

The USDO section 375-3(C)(4)(iii) makes it clear that the provision of tattoo services is a “personal or business service” by mentioning under “personal or business service” that they are regulated by the NYSDOH and Albany County Department of Health pursuant to County Local Law 4, of 1999.

In our conversation Wednesday evening, I sought your confirmation that any possible legal nonconforming use was limited to an “Office” as outlined in your August 9th letter and would not allow the operation of a licensed tattoo parlor, and was shocked that you said “you need to look at the allowable uses in the “higher category.”

You implied that because an “Office” use was in the same general use category as a “Personal Service” use, a “Personal Service” use would also be grandfathered in if the “Office use” was grandfathered in. Although you did not tell me that your office actually already issued a CO for this “Personal Service use,” I assume this is the logic that you used when your office approved the CO.

If so, it is a clear violation of the zoning code, and sets a horrific precedent for our entire city and undermines all the work we did to establish a new zoning code.

As I noted Wednesday, an “Office” is permitted as of right in a MU-NE zone, but a “Personal or Business Service” is required to obtain a CUP in order to operate in an MU-NE zone.

That clearly demonstrates that a “Personal or Business Service” use is considered a more intense use than an office.... not a less intense level of use that might allow a change in the nonconforming use under our USDO.

We carefully designated certain parts of New Scotland Avenue to be MU-NE or R-1 or R-2 expressly to limit the types of commercial enterprises that could be located in this predominantly

residential neighborhood. The provision of “Personal or Business Services” was expressly **not allowed** on most of this stretch of New Scotland Avenue and was carefully limited to the commercial district between Quail and Ontario, and the bank and gas station immediately adjoining that district. The chart clearly requires that someone in an MU-NE zone that wants to operate a “Personal or Business Service” would need to go before the Planning Board and meet the special criteria in the code to justify the operation of business. Notably, this would also require notice to neighbors and other individuals who have requested such notice – which did not happen here. These specific zoning decisions and heightened level of review for the placement of “Personal and Business Services” in certain areas also clearly demonstrates that this use is a more intense level of use – not the same level of use that allows for this change in the nonconforming use.

Additionally, it is important to note that the provision of tattoo services has many environmental and health impacts that a chiropractor’s office does not. A chiropractor’s office does not engage in invasive procedures which involve the piercing of the skin and the potential exposure to a variety of infectious diseases; a tattoo shop does. The operation of a chiropractor’s office does not result in the disposal of contaminated waste that includes blood and related waste; a tattoo shop does. A chiropractor’s office does not use needles or sharps and require the special disposal of such by-products of the business; a tattoo shop does. A chiropractic office does not require special waste disposal services to remove waste from the property; a tattoo shop does. These facts, along with the fact a Tattoo shop cannot operate in a MU-NE zone without meeting the special criteria necessary to obtain a CUP, but an Office use does not require such proof, make it impossible for the City of Albany to determine that the operation of a tattoo shop at this location is the same or a “less intense” use of this property.

When we adopted the USDO, we clearly did not intend every place where an “Office” use is allowed, to also allow a “Personal or Business Service” – which includes shoe repairs, laundromats, dry cleaning businesses, barber shops, beauty parlors, print shops, mailing businesses, sign shops, and tattoo parlors amongst other more intrusive businesses to operate that are not compatible with an R-2 zone.

A “Personal or Business service” and an “Office” are NOT equal and should not be treated equal.

Moreover, this is a clear violation of the provisions of the USDO which expressly states: “**No nonconforming use may be converted to a different nonconforming use unless the Board of Zoning Appeals determines** that the alternative use is in the same or a less intense land use category based on Table 375-3-1(Permitted Use Table).”

Consequently, your office lacked the authority to make this determination allowing for the conversion of this nonconforming use to a different nonconforming use.

That authority exists with the Board of Zoning Appeals, not with your office.

This review by the Board of Zoning Appeals is a sensible process and provision of our code. Had your office sent this matter to the Board of Zoning Appeals, I, and my neighbors, would have been notified of the potential change in use and could have educated your office and the Board on this history regarding this not being a legal nonconforming use – and on why this is not the same level of use – and we would be provided with an opportunity to protect our neighborhood and quality of life from “creeping commercialization” and had an opportunity to be heard as anticipated in the USDO when there are going to be significant deviations from the zoning code.

Additionally, 375-5(A)(5) makes it clear that the overall intent of the USDO is not to allow for expansions of non-conforming uses, but to reduce the number or extent of nonconformities when there are any changes to the structure or its uses. The approval of this change in use – which, presumably would allow this property to be used for any of the “Personal or Business Services” uses in the USDO from here on as long as it is a continuing use – is clearly in violation of this tenet.

The “higher category” you referred to in our conversation yesterday appears to be the category for “Offices and Services”

Under the logic of allowing any business that fits within the higher category to operate wherever *any of the uses* in that general category have been a legal nonconforming use, would result in a determination not only that “Personal or Business Services” which include the operation of a shoe repair shop, dry cleaning business, laundromat, barber shop, beauty parlor, printing and mailing business, sign shop, or any kind of tattoo parlor on the premises (amongst other businesses), it would also allow funeral homes and trade schools to be considered a legal nonconforming use simply because an “Office” has been established as a nonconforming use.

Taking another example, with “Retail” as the “higher category,”– and following the same logic and analysis, if someone has established a small retail shop as a legal nonconforming use – your decision would set the precedent for the owner to convert the simple retail use to a convenience retail shop, adult retail shop or a controlled substance dispensary....all uses listed under “Retail.”

Under the same logic, if someone has a legal nonconforming 2 family residence in an R-1M zone, your decision sets the precedent for them convert it to any of the “household living” categories – which would include multi-family residences of 3, 4 or more units. So, someone owning property in a R-1 district that happened to be a nonconforming 2 unit would be entitled to alter it to have 3, 4 or more units as of right.

This is not what was intended when we carefully crafted the new zoning code to limit uses in certain areas.

It will undermine and destabilize residential neighborhoods.

It is how you wind up with small houses being squeezed amongst commercial buildings along Central Avenue.

That is not what we envisioned or planned when we approved the new zoning code and it is not what the residents here want.

And, in any case, whatever determinations you have made regarding the conversion of this property to another nonconforming use should be rescinded and treated as a nullity as that is a decision that needs to be made by the Board of Zoning Appeals.

I want to reiterate that although the applicant pointed out in her application that she was a licensed RN, **nothing in what she is providing in the way of services requires licensure as a nurse.** That assertion is based upon my 23 years of working in the NYSDOH Counsel’s office where one of my areas of expertise was professional misconduct issues, and the “corporate practice of a profession” – which included determinations of what professional licenses are required to perform specific services (i.e., administration of medicine, performance of abortions, ordering of lab tests, issuance of prescriptions, placement of catheters, performance of phlebotomy, etc.)...and determinations of what kinds of services required a business to be licensed as a hospital, health clinic, nursing home, home health service, etc.

Ms. Cronin is not providing “medical services” as Rick relayed to me yesterday.
That would require her to be licensed as a physician, which she is not.

Furthermore, corporations (except for PC’s – professional corporations) that are not licensed by the NYS DOH as a hospital, nursing home, or health care clinic cannot provide medical services and cannot hold themselves out as providing medical services.

Similarly, corporations cannot provide professional nursing services unless they are a hospital, nursing home, health care clinic, home care agency, or visiting nurses agency licensed by either the NYSDOH or NYSSSED. Ms. Cronin is operating this office as “Colour Cosmetic Studio, Inc. and is not licensed by the NYSDOH – hence, she cannot legally provide either medical or nursing services at this location.

Additionally, if Ms. Cronin is performing services that require a nursing license, then she would be required to perform such services under the supervision of a physician....and under physician's orders. As such, if she claims she is providing professional services, she should be able to produce a signed agreement of supervision by a licensed physician AND produce evidence that she has doctor's orders for the services she is providing to her clients.

Consequently, Ms. Cronin is not providing a "professional service." She just happens to be a nurse who is providing services that require licensure as a "tattoo and/or body piercing artist" (which, she conveniently did not mention in her application although I have confirmed with the Albany County DOH that she is certified as a tattoo and/or body piercing artist" for the same business out on Western Avenue) and as a licensed esthetician (which also is **not a "profession"** – it is a type of service licensed by the NYS Department of State in the same way people who provide services in beauty parlors are licensed).

As a result, the services she is providing is not a "professional service" and does not otherwise fit within the definition of other services listed in your August 9th letter for the operation of an "office" and should not be recognized as a legal nonconforming use.

I appreciate the fact that you have indicated you will be looking into the lapse in the use of this building for over a year as an office and also strongly believe that would also be an appropriate basis for rescinding the CO for this business. Mr. Kohl was arrested on June 27, 2017 and immediately stopped providing services at this location. There were never any signs of any patients visiting him after that date and he was rarely on the premises following that date. His visits seemed to be related solely to the upkeep of the property.

As I have noted previously, I also believe your finding that Mr. Kohl's practice was a legal nonconforming use is in error. The chiropractor who operated on the premises prior to Mr. Kohl lived in the upstairs apartment with his girlfriend. As such, it was a legal home-office use, not a nonconforming use. I would appreciate your providing me with copies of all documentation you relied on in making such a determination.

Finally, I want to address the sign issue.

As I noted back in May of 2018, the sign on the premises is an obsolete sign and was required to be removed last year.

The sign continues to be an obsolete sign and must be removed.

An obsolete sign according to our USDO is:

"Any on-premises sign that no longer advertises an existing business conducted or product sold on the premises upon which such sign is located shall be removed unless it is architecturally or historically significant, or is considered to be a character-defining feature of the building or district."

The retention of the sign at this location was clearly a violation of the USDO once Mr. Kohl was arrested and stopped seeing patients on the premises in June of 2017.

Once Mr. Kohl's license was suspended in September of 2017, and then he surrendered his license in January of 2018, there was no basis whatsoever for the sign to be retained. There was NO existing business being conducted on the premises throughout this time.

I note that this provision of the USDO does not place a time limit which has to be met before a sign becomes obsolete. It requires removal when the sign no longer advertises an existing business.

The fact that Mr. Kohl kept the sign up in violation of the USDO does not make it a "legal sign." It was illegal and is illegal and should have been removed and the owner should be required to remove it now. It currently advertises nothing. People cannot simply erect blank billboards or signs on their premises and pretend they are not a "sign" requiring a permit.

I also note that the code provides that 375-4(l) applies to the erection or continuation of all signs located outside of a structure.

At this point, since Ms. Cronin cannot use a sign that advertises chiropractic services, she will need to “erect” a new sign. A new sign requires a new permit – and compliance with the code. The sign is also not subject to grandfathering because nonconforming signs can only be “maintained” – they cannot be redesigned or altered “in any way.”

Thus, the sign should be removed as an obsolete sign, and, if Ms. Cronin desires to install a sign on her premises (if she is allowed to continue the illegal nonconforming use) then she should be required to apply for a variance to erect such a sign.

I want to note that when Mr. Kohl erected the excessively large sign that is there now, my husband and I contacted our Alderman because the sign was clearly out of compliance with the code provisions at the time. The City readily admitted it had made an error in issuing the sign permit in violation of the code. However, since Mr. Kohl relied on the city’s issuance of the permit it was not willing to force the removal of the sign because of the likely liability issue to the city.

In other words, this was never a legal nonconforming sign. It was a sign that was allowed to remain in place in violation of the code – a code that simply was not enforced through the years. The lack of prior enforcement of the code does not make an illegal nonconformity a legal non-conformity.

This is part of the reason I contacted the City to have it removed last year when it became obsolete – to remove a sign that should never have been permitted in the first place.

I also want to note that since Mr. Cronin will be required to expend money to alter the sign to advertise her own business, she will lack the equity argument that Mr. Kohl had - i.e. relying on the city’s issuance of an inappropriate sign permit.

However, it is appropriate for the city to advise Ms. Cronin immediately that the sign is obsolete and must be removed, and that if she wants a sign she needs to apply for a variance so that she does not have a new sign made that cannot be erected.

Ms. Cronin also lacks an equity argument when it comes to her request for a compliance certificate and change of use CO:

Ms. Cronin stated in her application that the chiropractic office closed in mid September 2017, when it actually closed in June 2017.

Her website for the same business at 1525 Western Avenue makes it clear that she is performing tattoos and uses the term “tattoo” repeatedly – a fact she omitted from her applications to the City of Albany.

She also implied that she was providing medical services (by using the term “paramedical”) which she is not authorized to provide.

She also emphasized that she was a licensed RN and a licensed esthetician – - which, along with “paramedical” gives the impression that she is providing professional services as a nurse – which she is not authorized to do independently without a supervising physician agreement (and probably not even then since she is not a licensed Nurse Practitioner), and especially not as a corporation without the corporation being licensed by the NYSDOH as a clinic.

At the same time she mentions her RN licensure, and esthetician license, she explicitly failed to mention that she is certified as a tattoo and/or body piercing artist – a license that is most relevant to the work she is performing and for the proper categorization of her business.

She also fails to mention that her work requires her also to register as a tattoo shop under the Albany County Law – although the business she operates (or operated) at 1525 Western Avenue performing the same services she plans to perform at 372 New Scotland Avenue is registered in such a manner. Thus, she is fully aware of the licensure requirements for the work she is performing and chose to omit this fact from her applications – while mentioning other licenses.

The USDO expressly lists tattoo parlors under “personal and business services” and says that they are subject to regulation under the NYSDOH and Albany County Law. Thus, the omissions

from her application regarding her licensure as a tattoo artist and a tattoo shop are significant material facts she chose to leave off her application.

Further, I want to note that Albany County Law 4, 1999, provides

"When a tattoo shop is hereafter constructed or remodeled, or when an existing structure is converted for use as a tattoo shop, properly prepared plans and specifications for such construction, remodeling or alteration showing the layout; including work area, sinks, counters and storage areas, fixtures, toilet facilities and waiting area, drawn in ¼ inch scale, shall be submitted to the Department for review and approval before construction is started."

When I called the Albany County Department of Health earlier this week, I was advised that Ms. Cronin was licensed and registered at 1525 Western Avenue – but had not submitted any applications to be registered at 372 New Scotland Avenue. Thus, any construction or remodeling that is going on at 372 New Scotland Avenue at this time is being done so in violation of the that she obtain approval from the County DOH as it is an "existing structure" being "converted for use as a tattoo shop."

Again, I am asking that you immediately require Ms. Cronin to remove the sign in front of 372 New Scotland Avenue as an obsolete sign, and rescind all decisions made that appear to allow the operation of this business at 372 New Scotland Avenue as the determinations were not made in a manner consistent with the USDO and are based upon incorrect assumptions, representations, and interpretations of the USDO.

I want to further note that I am very concerned about the potential impact of this decision as a unwanted precedent for many other properties in the City and especially along New Scotland Avenue. The City of Albany has long been lax in its enforcement of the code when it comes to home office uses and the conversion of many residential properties to an "Office" use. This precedent, and the potential use of the argument that all other uses within the category of "Office and Services" are permitted nonconforming uses if a simple nonconforming "Office" use is established can dramatically change the landscape along New Scotland Avenue and other parts of the city, and undermine our neighborhoods and the entire intention of the USDO.

I thank you in advance for your consideration of these comments, and look forward to your determination.

Sincerely,
Judy Doesschate

From: Richard LaJoy [mailto:rlajoy@albanyny.gov]
Sent: Thursday, September 27, 2018 2:52 PM
To: 'Judy Doesschate'; 'Al De Salvo'
Subject: RE: 372 New Scotland Avenue -Chiropractic office zoned R-2

Judy,

[Here is what was applied for in the change of use.](#)

Paramedical 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 micro-pigmentation to the scalp known as Simulated hair Follicle (SMP); and micropigmentation to correct and diminish

scars and vitiligo. Also, the offices 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.

Rick

From: Judy Doesschate [mailto:judydoesschate@nycap.rr.com]
Sent: Thursday, September 27, 2018 2:02 PM
To: Richard LaJoy; 'Al De Salvo'; Bradley Glass; Christopher Spencer
Cc: Zach Powell; Joshua Gold
Subject: RE: 372 New Scotland Avenue -Chiropractic office zoned R-2

Thank you.

Initially they did some yard work, then I saw someone scraping windows, but after that the blinds were pulled down regularly.

So, I have no way of knowing.

What was the change of tenant permit about?

What is the date of the application?

I am concerned she is putting money into renovations that she is not authorized to provide on the premises.

From: Richard LaJoy [mailto:rlajoy@albanyny.gov]
Sent: Thursday, September 27, 2018 1:04 PM
To: 'Al De Salvo'; Bradley Glass; 'Judy Doesschate'; Christopher Spencer
Cc: Zach Powell; Joshua Gold
Subject: RE: 372 New Scotland Avenue -Chiropractic office zoned R-2

Al,

I am going to send our Senior Inspector over there to see what is going on. If there is any work happening that requires a permit we will deal with it.

Rick

From: Al De Salvo [mailto:ads@nycap.rr.com]
Sent: Thursday, September 27, 2018 12:53 PM
To: Richard LaJoy; Bradley Glass; 'Judy Doesschate'; Christopher Spencer
Cc: Zach Powell
Subject: RE: 372 New Scotland Avenue -Chiropractic office zoned R-2
Importance: High

Judy—Can you answer Rick? You mentioned that there is a dumpster there and that work is going on. If electrical or plumbing work (e.g. new, professional sinks) are happening I would guess a permit is needed....

From: Richard LaJoy [mailto:rlajoy@albany.ny.gov]
Sent: Thursday, September 27, 2018 12:34 PM
To: 'Al De Salvo'; Bradley Glass; 'Judy Doesschate'; Christopher Spencer
Cc: Zach Powell
Subject: RE: 372 New Scotland Avenue -Chiropractic office zoned R-2

There is a Change of Tenant permit in our system but there is no permit for any work.

What kind of work is being done?

Rick

AFFADAVIT of Thomas K. Keefe Regarding 372 New Scotland Avenue

I, Thomas Keefe, being duly sworn, depose and state:

1. I purchased 380 New Scotland Avenue with my wife in 1987 and have lived there for the past 31 years.
2. When I moved into 380 New Scotland Avenue, a single chiropractor provided services at 372 New Scotland Avenue and occupied the upstairs apartment with a woman I understood to be his girlfriend; there were no other tenants in the building.
3. There was one small, barely noticeable sign to indicate there were professional offices there.
4. The impact of this on my and my family's life was minimal.
5. The City Directory shows that the only "occupant" of 372 New Scotland Avenue from 1985 through at least 1992 was "New Scotland Chiropractic Office;" although there had been other various residents listed with Dr. Kalmut Rosenblatt (a physician); Dr. Howard Serling (a podiatrist) and Dr. Ted Cohen (a podiatrist) for years before that.
6. The cessation of the listing of a different tenant at 372 New Scotland in 1985 was likely due to the fact the chiropractor providing services on the premises was also the upstairs tenant, thereby converting the nonconforming "professional office use" to a "home professional office use."
7. When Seth Kohl purchased 372 New Scotland Avenue in 1989 (he continued to use the name "New Scotland Chiropractic Office") and installed an over-sized lit sign, I objected to my then Common Council member, Tom Nitido, noting that the sign and Mr. Kohl's use were not allowed in an R-2 district. Mr. Nitido advised me and my wife, that the city buildings department readily admitted they made an error in issuing the sign permit for the oversized sign in our residential area, but were not going to rescind it nor abate the non-conforming use.
8. The main entrance of 380 New Scotland Avenue faces 372 New Scotland Avenue, and my driveway is directly across from the driveway for 372 New Scotland Avenue.
9. From 1989 through June of 2017 when Seth Kohl was arrested, I observed his routines. He parked in the driveway directly opposite mine at the beginning of most weekdays, and his car was usually gone by the time I got home at 5 or 6 PM.
10. His wife would generally come to the office in the same car to serve as his receptionist. As a result, him and his "employees" had little impact on parking on Ramsey or New Scotland.
11. However, at one point, there was a major brooha in the neighborhood when Mr. Kohl put up a sign saying something like "parking for patients only" in front of his office on New Scotland.
12. Since Ramsey Place is narrowed considerably by New Scotland Avenue, parking is not permitted in the immediate vicinity of the office on Ramsey Place.
13. As a result, a lot of his clients would park in his driveway.

14. I retired in September of 2016 and spend most of my time at home and coming and going by car or on foot several times a day – so I have been generally aware of the activity at 372 New Scotland Avenue since my retirement.
15. On or about June 27, 2017, when Mr. Kohl was arrested, a yellow sticky note was put on the front door of his office saying the office was closed.
16. That note remained there for at least a week – when it was either removed or blown away.
17. I did not see any evidence of Mr. Kohl, his wife, or their car in the driveway or any place in the area for at least several weeks after that.
18. The only car I saw in the driveway for a long time after that was for Mr. Kohl's very nice, upstairs tenant.
19. Eventually, Mr. Kohl returned to the property to perform some maintenance on occasion mostly lawn mowing or snowblowing.
20. Those were the only times I saw Mr. Kohl until late August of 2018 when I noticed he was putting out a lot of trash.
21. I saw no evidence of clients visiting him, parking in the driveway or him being there from the time he was initially arrested in June of 2017.



Thomas K. Keefe

Sworn to before me, this 25th day of October, 2018



JUDY L. DOESSCHATE
NOTARY PUBLIC-STATE OF NEW YORK
No. 02DO6259352
Qualified in Albany County
My Commission Expires April 09, 2020

From: Suzanne Sullivan <Suzanne.Sullivan@nysed.gov>
Sent: Thursday, November 01, 2018 1:20 PM
To: judydoesschate@nycap.rr.com
Subject: RN Practice

Please find below information from the New York State Nursing Board Office on RN Practice and Cosmetic Procedures.

Medical Cosmetic/Dermatological Procedures

RNs may perform cosmetic procedures to treat dermatologic conditions pursuant to a valid order from a qualified physician, nurse practitioner or PA who has examined the patient. These procedures may include:

- Light treatments, such as topical photodynamic Therapy (PDT); infrared light; magenta light; UVB light and UVS light.
- Use of ablative lasers (approved by the FDA) in skin peels or removal of the superficial dermal layer.
- Non-ablative lasers (intense pulsed light, long pulsed dye laser, sclerotherapy for telangiectasia, laser hair removal or tattoo removal and non-invasive radio frequency procedures).
- Peels/topical treatments.
- Injectable treatments (using FDA approved products) such as Botox, absorbable dermal fillers and sclerotherapy of superficial veins.

Tattooing

Public Health Law Article 4A requires persons engaged in tattooing to be permitted by the New York State Department of Health. **It is not within the scope of practice of RNs or LPNs to engage in tattooing (including micropigmentation).**

Ear Piercing

Ear piercing for cosmetic purposes may be performed by unlicensed persons.

Sincerely,
The Nursing Board Office

Confidentiality Notice

This email including all attachments is confidential and intended solely for the use of the individual or entity to which it is addressed. This communication may contain information that is protected from disclosure under State and/or Federal law. Please notify the sender immediately if you have received this communication in error and delete this email from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

Attachment K

Copy of New York State Department of Health Website Re Tattooing Regulations and health and safety concerns. (https://www.health.ny.gov/community/body_art/)



Body Art - Tattooing and Body Piercing

Statewide health regulations for tattooing and body piercing are currently being developed by the New York State Department of Health under the statutory authority of [Public Health Law Article 4A](#). The law authorizes the Commissioner of Health to develop regulations establishing operating standards, fees, fines and penalties for failure to abide by the regulations. The law requires tattoo and body piercing operators to obtain a permit in order to operate a tattoo or body piercing studio and for all tattoo and piercing artists to obtain an individual permit.

Until the new regulations are in place, local regulations, if any, apply. For more information on regulations in your area, contact your [county or city health department](#).

Risks associated with tattooing and body piercing

Tattooing and body piercing carry risks of infection and bloodborne disease transmission as well as allergic reactions, prolonged bleeding, swelling, scarring and general discomfort. Existing medical conditions such as allergies, heart disease, diabetes, skin disorders or conditions that affect the immune system may increase the risk of complications from tattooing and body piercing. You may wish to speak with a physician regarding potential health risks before getting a tattoo or body piercing. For more information, go to:

Risks to Consumers

- US Food & Drug Administration (FDA)
 - [Think Before You Ink: Are Tattoos Safe?](#)
 - [A Tattoo for You? Seven Key Questions to Consider](#)

Risks to Tattooists and Piercers

- US Centers for Disease Control and Prevention - The National Institute for Occupational Safety and Health (NIOSH)
 - [Learn how tattooists and piercers can lower the chance of getting or being exposed to a bloodborne disease](#)
 - [Workplace safety and health topics--Bloodborne Infectious Diseases: HIV/AIDS, Hepatitis B Virus and Hepatitis C Virus](#)

Tattooing of minors is against the law

It is violation of [Section 260.21 of New York State Penal Law](#) to tattoo minors under the age of 18, regardless of parental consent. Contact local law enforcement for more information.

If you get a tattoo, make sure that the tattooist

- Washes their hands before tattooing and uses single-use gloves
- Cleans the skin to be tattooed
- Uses a single-use, disposable razor to shave the skin to be tattooed, if needed
- Uses single-use sterile needles and tubes and single-use inks
- Covers the tattooed skin with a bandage and provides aftercare information

Body piercing of minors without written consent of a parent or legal guardian is against the law

Effective October 28, 2012, New York State [Public Health Law Article 4A](#), prohibits body piercing on a person under eighteen (18) years of age unless the person provides the body piercing establishment with written consent from a parent or legal guardian. The parent or legal guardian must sign a [New York State Department of Health consent form \(DOH 5072\)](#) in the presence of the owner of the body art establishment or in the presence of the body artist. Written parental consent is not required for piercing of the ear.

If you get a body piercing, make sure that the piercer

- Washes their hands before piercing and uses single-use gloves
- Cleans the area to be pierced
- Uses a single-use, disposable razor to shave the skin to be pierced, if needed
- Uses sterile needles, clamps, receiving tubes and body jewelry
- Provides aftercare information

Related Links

- US Food & Drug Administration (FDA)
 - [Tattoos & Permanent Makeup: Fact Sheet](#)
 - [Tattoos & Permanent Makeup: Guide to Resources](#)
- New York State Department of Health
 - [Viral Hepatitis](#)
 - [Latex allergy information](#)
 - [Methicillin-Resistant *Staphylococcus Aureus* \(MRSA\)](#)
 - [NYS Safe Sharps Collection Program](#)
 - [Safe Sharps Disposal](#) also available in [Spanish](#) (Booklet, PDF, 118 KB)

Contact Information / Questions or Comments

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Revised: May 2016*

ALBANY COUNTY DEPARTMENT OF HEALTH

TATTOO AND BODY PIERCING RULES AND REGULATIONS

Section 1. INTENT AND PURPOSE

Pursuant to Local Law No. 4 for 1999, these rules and regulations have been promulgated.

Section 2. DEFINITIONS

The following words and phrases, as used in this local law shall have the indicated meaning:

1. **“ADEQUATE LIGHT”** shall mean that the tattoo and/or body piercing shop be so illuminated as to permit all tattooing and/or body piercing to be clearly visible without obstruction by shadow or darkness.
2. **“ADEQUATE VENTILATION”** shall mean a free and unrestricted circulation of fresh air throughout the tattoo and/or body piercing shop and the expulsion of foul or stagnant air.
3. **“DEPARTMENT”** shall mean the Albany County Department of Health.
4. **“HEALTH OFFICER”** shall mean the Albany County Commissioner of Health or his/her designee.
5. **“MINOR”** shall mean any person under the age of eighteen years.
6. **“PHYSICIAN”** shall mean a doctor of medicine or doctor of osteopathy equivalent licensed under the provision of the Education Law.
7. **“AFTERCARE”** means written instructions given to the client, specific to the body art procedure(s) rendered, on caring for the body art and surrounding area. These instructions will include information on when to seek medical treatment, if necessary.
8. **“ANTISEPTIC”** means an agent that destroys disease-causing microorganisms on human skin or mucosa.

9. **“BODY PIERCING”** means puncturing or penetration of the skin of a person using pre-sterilized single-use needles and the insertion of pre-sterilized jewelry or other adornment thereto in the opening. Puncturing the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system shall not be included in this definition.

10. **“CONTAMINATED WASTE”** means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; sharps and any wastes containing blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030 (latest edition), known as “Occupational Exposure to Bloodborne Pathogens.”

11. **“DISINFECTION”** means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

12. **“EAR PIERCING”** means the puncturing of the outer perimeter or lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system following manufacturers’ instructions. Under no circumstances shall ear piercing studs and clasps be used anywhere on the body other than the outer perimeter and lobe of the ear.

13. **“EQUIPMENT”** means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in connection with the operation of a tattoo and/or body piercing shop.

14. **“HANDSINK”** means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms or other portions of the body.

15. **“HOT WATER”** means water which attains and maintains a temperature of at least 100 degrees F.

16. **“INSTRUMENTS USED FOR TATTOOING AND BODY PIERCING”** means hand pieces, needles, needle bars and other instruments that may come in contact with a client’s body or possible exposure to bodily fluids during art procedures.

17. **“INVASIVE”** means entry into the body wither by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.

18. **“JEWELRY”** means any personal ornament inserted into a newly pierced area, which must be made of surgical implant grade stainless steel, solid 14k white or yellow gold, niobium, titanium or platinum, a dense, low-porosity plastic and or which is free of nicks, scratches or irregular surfaces and which has been properly sterilized prior to use.

19. **“LIQUID CHEMICAL GERMICIDE”** means a disinfectant or sanitizant registered with the Environmental Protection Agency or an approximate 1:100 dilution of household chlorine bleach made fresh daily and dispensed from a spray bottle (500 ppm, ¼ cup/gal, or 2 tablespoons/quart of tap water).

20. **“PERSON”** means an individual, any form of business or social organization or any other non-governmental legal entity including but not limited to a corporation, partnership, limited liability company, association, trust or unincorporated organization.

21. **“PROCEDURE SURFACE”** means any surface of an inanimate object that contacts the client’s unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure or any associated work area which may require sanitizing.

22. **“SANITIZE/SANITIZATION PROCEDURES”** means a process of reducing the number of microorganisms on cleaned surfaces and equipment to a safe level as judged by public health standards and which has been approved by the Department.

23. **“SHARPS”** means any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, pre-sterilized single use needles, scalpel blades and razor blades.

24. **“SHARPS CONTAINER”** means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation and disposal and is labeled with the international Biohazard Symbol.

25. **“SINGLE-USE”** means products or items that are intended for one-time, one-person use and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or

plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups and protective gloves.

26. **“STERILIZATION”** means a very powerful process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

27. **“TATTOOING”** means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing.

28. **“TEMPORARY TATTOO AND/OR BODY PIERCING SHOP”** means any place or premise operating at a fixed location where an operator performs body art procedures for no more than 14 days consecutively in conjunction with a single event or celebration.

29. **“UNIVERSAL PRECAUTIONS”** means a set of guidelines and controls, published by the Centers for Disease Control and Prevention (CDC) as “guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B virus to health-care and public-safety workers” in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6 and as “recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures.” In MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

30. **“SHOP CERTIFICATE OF SANITATION”** shall mean the issuance of a document by the Health Officer to a tattoo and/or body piercing shop certifying that said shop, after inspection, was found to be in compliance with the applicable provisions of this local law.

31. **“TATTOO”** shall mean to mark or color the skin by pricking in coloring matter so as to form indelible marks or figures or by the production of scars.

32. **“BODY PIERCING”** shall mean to cut or pass through with a sharp instrument, or to penetrate a part of the body other than the ear for the purpose of applying jewelry for compensation to various parts of the body by means of a piercing device. If the body piercing is offered in conjunction with the sale of jewelry actually being used in connection with the body piercing, then that service shall be deemed to have been provided for compensation.

33. **“PIERCING DEVICE”** shall mean any device used for the piercing of the skin for the purpose of applying jewelry or other objects to the body.

34. **“TATTOO AND/OR BODY PIERCING ARTIST”** shall mean any person who actually performs the work of tattooing and/or body piercing.

35. **“TATTOO AND/OR BODY PIERCING ARTIST CERTIFICATION”** shall mean the issuance by the Health Officer of a written instrument authorizing the person named therein to engage in the practice of tattooing and/or body piercing or to act as a tattoo and/or body piercing artist.

36. **“TATTOO AND/OR BODY PIERCING OPERATOR”** shall mean any person who controls, operates, conducts or manages any tattoo and/or body piercing shop, whether actually performing the work of tattooing or body piercing or not.

37. **“TATTOO AND/OR BODY PIERCING SHOP”** shall mean any room or space where tattooing or body piercing is practiced or where the business of tattooing or body piercing is conducted or any part thereof.

Section 3. **TATTOO AND/OR BODY PIERCING ARTIST CERTIFICATION**

A. No person except a duly licensed physician shall engage in the practice of tattooing or body piercing or act as a tattoo and/or body piercing artist unless such person has a tattoo and/or body piercing artist certification issued by the Health Officer on a form prescribed by the Department. Individuals who pierce only the outer perimeter and lobe of the ear using a pre-sterilized single use stud and clasp ear piercing system are exempt from the requirements of this local law. Individuals who use ear piercing systems must conform to the manufacturer’s directions on the use and applicable US Food and Drug Administration requirements. The department shall have the

authority to investigate consumer complaints relating to alleged misuse or improper disinfection of ear piercing systems.

B. No holder of any shop certificate of sanitation issued under this local law shall allow a tattoo and/or body piercing artist to perform in such tattoo and/or body piercing shop unless such tattoo and/or body piercing artist is a holder of a valid tattoo and/or body piercing artist certification issued under this section.

C. Artist's certification is to be prominently displayed to the public, at the artist's work station, in every facility where the artist practices. The artist certification shall not be transferable from one person to another.

D. Any person desiring to engage in tattooing or body piercing or act as a tattoo and/or body piercing artist shall submit an application for a tattoo and/or body piercing artist certification to the Health Officer in the form prescribed by the Department.

E. Each applicant shall be required to take and pass an examination prescribed by the Department before an initial tattoo and/or body piercing artist certification will be issued.

F. The applicant shall be required to demonstrate, by examination, knowledge of the provisions of this local law, including those relating to aseptic technique designed to prevent the spread of infection and contagious disease by tattooing or body piercing practices.

G. Records of all such certifications shall be kept on file by the holder of the shop certificate of sanitation for the tattoo and/or body piercing shop employing the person to whom a certification as a tattoo and/or body piercing artist has been issued.

H. A tattoo and/or body piercing artist certification shall expire on December 31 of each year, renewable annually in December for the period next commencing January one.

Section 4. **SHOP CERTIFICATE OF SANITATION**

A. No person shall operate a tattoo and/or body piercing shop unless such person has registered such shop with the Health Officer and has received a shop certificate of sanitation from the Health Officer on a form prescribed by the Department. Shops in which piercing of the lobe or outer perimeter

of the ear only using a single pre-sterilized single use stud earring are exempt from the requirement of this local law.

B. No shop certificate of sanitation shall be issued or renewed unless the shop has been inspected and found to be in compliance with the applicable provisions of this local law.

C. The permit shall not be issued or renewed until documentation of the sterilizer's ability to destroy spores is received by the Department (see 11E).

D. The shop certificate of sanitation shall expire on December 31 of each year renewable annually in December for the period next commencing January one.

E. The applicant shall pay a reasonable fee as set by the Department for each shop Certificate of Sanitation.

F. A permit for a body art establishment shall not be transferable from one place or person to another.

G. A current body art establishment permit shall be posted in a prominent and conspicuous area where it may be readily observed by clients.

Section 5. PLAN REVIEW CONSTRUCTION OR PRE-OPERATIONAL INSPECTION

A. Floor Plan

1. When a tattoo shop is hereafter constructed or remodeled, or when an existing structure is converted for use as a tattoo shop, properly prepared plans and specifications for such construction, remodeling or alteration showing the layout; including work area, sinks, counters and storage areas, fixtures, toilet facilities and waiting area, drawn in 1/4 inch scale, shall be submitted to the Department for review and approval before construction is started.

2. All construction, remodeling, or alterations shall be done in accordance with approved plans.

3. Plans and specifications shall be accompanied by an application on a form provided by the Department along with the appropriate application fee.

B. When a tattoo shop is hereafter constructed or remodeled, or when an existing structure is converted for use as a tattoo shop, a final construction or pre-operational inspection shall be requested by the owner or operator and conducted by the Department prior to the opening of the shop to determine compliance with previously approved plans and all applicable requirements of this Article.

Section 6. **GENERAL PHYSICAL ENVIRONMENT**

A. Tattoo and body piercing shops must have adequate light and ventilation and all walls and ceilings shall be smooth and easily cleaned. Walls and ceilings are to be painted a light color.

B. The floor of the tattoo and/or body piercing shop shall be of impervious material. The floor shall be swept and wet-mopped daily. Floors, walls, or ceilings shall not be swept or cleaned while tattooing or body piercing is in operation.

C. Convenient, clean and sanitary toilet and hand washing facilities with hot and cold running water with soap and single-service towels or hand drying devices shall be made accessible to customers.

D. The tattoo and/or body piercing operator shall provide for the proper and safe disposal of all types of waste products.

E. The building and equipment shall be maintained in a state of good repair at all times. The shop premises shall be kept clean, neat, and free of litter and rubbish.

F. At least one covered waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily and solid waste shall be removed from the premises at least weekly. All refuse containers shall be lidded, cleanable and kept clean.

G. All instruments and supplies shall be stored in clean, dry and covered containers.

H. Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used.

I. All establishments shall prominently display a Disclosure Statement, provided by the Department, which advises the public of the risks and possible consequences of tattoo and body piercing procedures. The facility permit holder shall also post in public view the name, address, and phone number of the Albany County Department of Health, and the procedure for filing a complaint.

J. Certified tattoo and/or body piercing artists may not set up temporary tattoo and/or body piercing shops at fairs, festivals or expositions unless written approval is obtained from the Health Officer.

Section 7. **WORK ROOM**

A. Each tattoo and/or body piercing shop shall have a work room separate and apart from a waiting room or any room or rooms used as such. The work room shall not be used as a corridor for access to other rooms. Patrons or customers shall be tattooed and/or body pierced only in said work room.

B. Work tables shall be provided for each tattoo and/or body piercing artist. The surface of all work tables shall be constructed of metal or other material which is smooth, light colored, non-absorbent, corrosive-resistant, and easily sanitized.

C. Sterilizers shall be located away from work stations or areas frequented by the public.

D. Each tattoo and body piercing shop or temporary location shall be equipped with hand-washing facilities for its personnel with unobstructed access to the tattoo and body piercing area such that artists can return to the tattoo and body piercing without having to touch anything with their hands. Hand-washing facilities shall be equipped with hot and cold or tempered running water, soap, single-service towels or other approved hand-drying devices, and a refuse container. Such facilities shall be kept clean and in good repair.

E. Smoking shall be prohibited in the tattoo area. Consumption of alcoholic beverages shall be prohibited in tattoo studios or temporary locations.

F. The tattoo studio or temporary location shall be kept free of rodents and vermin and protected from infestation by insects.

G. The sinks or basins shall be for the exclusive use of the tattoo and/or body piercing artist for washing hands and preparing customers for tattooing or body piercing. They shall be equipped with wrist-action controls, soap, a United States Environmental Protection Agency (EPA) approved or hospital grade germicidal solution, individual hand brushes, and fingernail files for each tattoo and/or body piercing artist.

H. Cabinets for the storage of instruments, dyes, pigments, carbon and stencils shall be provided for each tattoo and/or body piercing artist and shall be maintained in a sanitary manner.

I. All sewage, including liquid wastes, shall be disposed of in a public sewer or, in the absence thereof, in a manner satisfactory to the Department.

J. Only articles considered necessary to the routine operation and maintenance of the body piercing work area shall be permitted in the facility.

K. No live bird, turtle, snake, dog, cat or other animal shall be permitted in any area used for the conduct of body piercing operations or in the immediate open adjacent areas, including the main waiting area and the public access to the toilet room.

L. The water supply shall be adequate, of a safe and sanitary quality, from an acceptable source, and shall meet the requirements of the New York State Sanitary Code (10 NYCRR Part 5) and the Administrative Rules and Regulations of the New York State Department of Health (10 NYCRR Part 72).

M. A copy of printed instructions (see 8F) shall be posted in a conspicuous place in the work room, clearly visible to persons being pierced.

Section 8. OPERATION STANDARDS – CLIENT RECORDS

A. For each patron, proper records of tattoos and/or body piercing administered shall be maintained by the holder of a shop Certificate of Sanitation.

B. A record of each patron shall be prepared prior to any procedure being performed and shall include the patron's name, signature, address, age, the date tattooed or body pierced, the design of the tattoo, if applicable, the location of the tattoo and/or body piercing on the patron's body, and the

name and location of the tattoo and/or body piercing artist who performed the work.

C. The records shall be entered in ink or indelible pencil in a bound book kept solely for this purpose. This book shall be available at a reasonable time for examination by the Health Officer and shall be preserved for at least three (3) years from the date of the last entry therein. The signature of the patron shall be in the bound book record.

D. Before tattoo and/or body piercing administration, there shall be a discussion conducted with the patron on the risks involved in the tattoo and/or body piercing requested, and its possible health complications. An information form, as prescribed by the Department, shall be signed and dated by both the tattooist/body piercer and the patron. The information form shall advise the client to consult a physician at the first sign of infection or swelling, and shall contain the name, address, and phone number of the establishment. One copy of each form shall be retained at the tattoo and/or body piercing shop and the other copy shall be given to the patron. The tattoo and/or body piercing artist must also explain aftercare instructions and have the patron initial the consent form to indicate that he or she has received written aftercare instructions.

E. In order for the operator/technician to properly evaluate the client's medical condition for receiving a tattoo and body piercing procedure and not violate the client's rights or confidential medical information, the following information shall be given to the operator or artist:

1. History of diabetes;
2. History of hemophilia (bleeding);
3. History of skin diseases, skin lesions or skin sensitivities to soaps, disinfectants, etc.;
4. History of allergies or adverse reactions to pigments, dyes or other skin sensitivities;
5. History of epilepsy, seizures, fainting or narcolepsy; and
6. Medications taken, such as anticoagulants which thin the blood and/or interferes with blood clotting.

F. There shall be printed instructions, as approved by the Department, given to each body piercing patron on the increased risk of infections resulting from the piercing of mucous membrane tissue, specifically the piercing of the genital area, tongue and nipple. Such printed instructions shall also include information for the patron on the care of the body opening caused by piercing as a precaution to prevent infection, and to consult a private

physician immediately who, in turn, may immediately notify the Albany County Department of Health or advise the patient to do so should an infection become evident. Information should also be provided with reference to the security or snugness of certain jewelry to prevent accidental ingestion or lodging in body cavities.

G. Nothing in this section shall be construed to require the operator to perform tattoo and/or body piercing procedure upon a client.

H. The records of the written consents shall be kept on file for three years by the holder of the shop certificate of sanitation for the tattoo and/or body piercing shop in which the tattoo and/or body piercing was performed.

I. Written consent for body piercing of minors, when legally permissible and required (i.e., parental consent is not required for piercing the ear lobe using a pre-sterilized single use stud and clasp ear piercing system), shall be obtained from at least one parent or legal guardian. The writing shall be notarized and filed in person at the tattoo and/or body piercing shop. Proof of age shall be determined upon presentation of two forms of valid identification. Valid identification shall include: a picture driver's license, picture sheriff's identification or birth certificate.

Section 9. TATTOOING AND BODY PIERCING PROCEDURES

A. A tattoo and/or body piercing artist shall not tattoo and/or body pierce any person who is under the apparent influence of drugs or intoxicating liquor.

B. The use of tobacco in any form while engaged in tattoo and/or body piercing procedures is prohibited. The use of tobacco will be restricted to designated areas acceptable to the Commissioner, where no contamination hazard will result and so as to conform to Article 13E of the New York State Public Health Law.

C. Each tattoo and/or body piercing artist shall wear clean outer garments and footwear, maintain a high standard of personal cleanliness, and conform to hygiene practices while on duty.

D. The tattoo/body piercing artist shall keep fingernails clean and neatly trimmed. The artist shall not wear excessive cosmetics or excessive jewelry,

deemed by the Department to interfere with proper hand washing techniques, while engaged in tattoo and/or body piercing procedures.

E. No person with any disease in a communicable form or suspected of having such a disease shall engage in tattoo and/or body piercing. Such diseases include, but are not limited to, the common cold, influenza, tuberculosis, scabies, impetigo, syphilis, chicken pox, mumps, hepatitis, infections on arms, sore throat or jaundice of the skin or sclera.

F. The health officer may require from a tattoo and/or body piercing artist who is found to have a disease in communicable form, or suspected of having such a disease, a statement signed by a duly licensed physician stating that the person is free from communicable diseases before granting permission to resume operations.

G. Any substance applied to the area to be tattooed or body pierced should be dispensed from a container in a sanitary manner that prevents contamination of the original container and its contents, preferably from single-use collapsible metal or plastic tubes. Containers which require that the substance be removed by hand (e.g., a tub from which the substance is removed with the use of a tongue depressor) are prohibited. The application may be spread by the use of gauze but not directly with fingers. The applicator shall be used only once and then discarded.

H. Before working on each patron, the fingernails of the tattoo and/or body piercing artist shall be cleaned with an individual nail file. The artist shall clean his/her hands and exposed areas of the arms thoroughly by lathering and vigorously scrubbing for 10-15 seconds using soap. Hands shall be dried by disposable paper towels or other mechanical means.

I. Skin shall be marked with a non-toxic marker prior to cleansing with antiseptic. The area being pierced must be free of sores and lesions.

J. Before performing a tattoo and/or body piercing procedure, the immediate and surrounding area of the skin where the tattoo and/or body piercing procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation, depending on the type of body art to be performed. If shaving is necessary, single-use disposable razors or safety razors with single service blades shall be used and discarded after each use and the reusable holder shall be autoclaved after use. Following shaving, the skin and surrounding area will be washed with soap and water. The washing pad shall be discarded after a single use.

K. In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be single-use and disposed of immediately after use in appropriate covered contaminated-waste containers.

L. For all body piercing, a single-use, sterilized disposable surgical piercing needle of the same gauge as the jewelry is required.

M. Only sterilized jewelry or ornaments in new or good condition, and made of acceptable materials, shall be used for piercing. Acceptable metals include implant grade stainless steel, solid 14k-24k gold, niobium, titanium and platinum.

N. When applied, jewelry should be pushed through the skin following the needle, in the same direction as the piercing.

O. Ear piercing guns and ear piercing needles are to be used for piercing ear lobes only. This piercing device may not be used to pierce any other part of the body.

P. Following the cleaning and shaving of the patron's skin, the hands of the tattoo and/or body piercing artist shall again be washed and scrubbed as required by "I" of this section. Disposable gloves shall then be worn by the tattoo and/or body piercing artist. These gloves must be changed if they touch any other person or non-clean surface during tattoo application or body piercing, or if gloves become pierced or torn, and for each new customer.

Q. Before placing the design on the patron's skin or penetrating the patron's skin, the tattoo and/or body piercing artist shall treat the skin area with an EPA approved or hospital grade germicidal solution which shall be applied with cotton or gauze.

R. The use of single-service tissue and sterile hectographic stencils shall be required for applying a tattoo outline to the skin, with the exception of acetate stencils (see 11C). If drawn free-hand, non-toxic markers or other devices as approved by the Department shall be used.

Section 10. DYES AND PIGMENTS

A. In preparing nontoxic dyes or pigments to be used by a tattoo artist, only nontoxic or sterile material shall be used. Single-service or individual

portions of dyes or pigments in clean, sterilized individual containers or single-service containers must be used for each patron.

B. Skin shall be marked with a nontoxic marker prior to cleansing with antiseptic. The area being pierced must be free of sores and lesions. After tattooing, the remaining unused dye or pigment in the single-service or individual containers must be properly discarded.

C. Patrons shall be provided printed warning of the potential physical reactions from the use of certain dyes in a form acceptable to the Department.

D. All inks, dyes, pigments, needles and equipment shall be specifically manufactured for performing body art procedures and shall be used according to manufacturer's instructions. The mixing of approved inks, yes or pigments or their dilution with potable water is acceptable. Immediately before applying a tattoo, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single use paper or plastic cups or caps. Upon completion of the tattoo, these single cups or caps and their contents shall be discarded.

Section 11. SANITATION AND STERILIZATION PROCEDURES

A. All non-single use, non-disposable instruments used for tattooing and/or body piercing shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water, and soaked in a sanitizing solution.

B. After cleaning, all non-disposable instruments used for tattoo and/or body piercing shall be packed in packages approved for the sterilization unit. Equipment shall be packed individually or as a set, provided such set is intended to be used for a single tattoo procedure. Each package of equipment sterilized shall be monitored for sterilization.

C. Acetate stencils shall be allowed for re-use if sanitation procedures (see definition 22) are performed between uses.

D. All cleaned, non-disposable instruments, including needle tubes, used for tattoo and/or body piercing shall be sterilized in a steam autoclave or dry heat sterilizer (if approved by the Department)(see "K" of this Section). The sterilizer shall be used, cleaned, and maintained (see "E" of this Section)

according to manufacturer's instructions. A copy of the manufacturer's recommended procedures for the operation of its sterilization unit must be available for inspection by the Department. If the tattoo and/or body piercing establishment uses all single-use, disposable instruments and products, and utilizes sterile supplies, an autoclave shall not be required.

E. Each holder of a permit to operate a tattoo and/or body piercing establishment shall demonstrate that the sterilizer used is capable of attaining sterilization. Testing shall be monthly, using a biological indicator, such as spore strips or spore suspensions, and verified through an independent laboratory. The testing laboratory's written guidelines for the proper handling and placement of the biological indicator shall be readily available. Sterilizing equipment that fails testing shall be immediately taken out of service. Results of spore test records shall be retained by the operator for a period of three (3) years, and made available to the Department upon request.

F. After sterilization, the instruments used for tattooing/body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.

G. All instruments used for tattooing/body piercing shall remain stored in sterile packages until just prior to performing a body art procedure. When assembling instruments used for performing body art procedures, the operator shall wear disposable medical gloves and use medically recognized techniques to ensure that the instruments and gloves are not contaminated.

H. Each tattoo and/or body piercing shop or temporary location shall maintain sterilization records. The information shall be permanently recorded and made available for examination by an authorized agent in the tattoo and/or body piercing shop for at least two years from the date of the last entry. These permanent records shall be maintained at the studio and shall include the following:

1. date of sterilization;
2. quantity and type of equipment to be sterilized; and
3. name of individual sterilizing the equipment.

I. Sterilized equipment stored in an approved manner shall be considered sterile as long as the integrity of the autoclaving package is intact.

J. If pre-sterilized equipment is used, the tattooist/body piercer shall obtain documentation from the manufacturer that describes the method of sterilization utilized by the manufacturer and the manufacturer's

recommendations for storage and maintenance of sterility. This documentation shall be available for inspection by an authorized agent. The tattooist/body piercer shall follow the manufacturer's instructions for storage and maintenance of sterility.

K. One of the following methods of sterilization shall be used:

1. Autoclave – steam under pressure:

- a. 121 degrees Celsius (250 degrees Fahrenheit) and a pressure of at least 15 pounds per square inch for not less than 30 minutes after the chamber of the autoclave has been evacuated of air and has reached the required temperature; or
- b. as specified in the manufacturer's operator's manual.

2. Dry heat sterilization:

- a. 160 degrees Celsius (320 degrees Fahrenheit) for not less than one hour under atmospheric pressure after the sterilizer has reached the required temperature; or
- b. as specified in the manufacturer's operator's manual.

L. Each person responsible for the sterilization of equipment shall be able to demonstrate to the department's authorized agent the correct sterilization procedures and the proper operation of autoclave and/or dry heat sterilization equipment.

Section 12. REQUIREMENTS FOR SINGLE-USE ITEMS

A. A set of individual, single-use sterile needles shall be used by a tattoo and/or body piercing artist for each new patron. After use, all single-use needles, razors and other sharps shall be immediately disposed of in approved sharps containers, and disposed of by an approved medical waste disposal company.

Section 13. AFTERCARE OF TATTOO AND BODY PIERCING

- A. The completed tattoo and/or body piercing shall be washed with a piece of gauze or cotton saturated with an EPA approved or hospital grade germicidal solution. It shall be allowed to air dry.
- B. After drying, anti-bacterial ointment shall be applied from a collapsible metal or plastic tube and the entire area covered with a piece of sterile gauze, which may, in turn, be covered with a piece of tissue and fastened to the site with adhesive tape.
- C. Clients shall be provided with written after-care instructions / recommendations (see 8D).

Section 14. REPORT OF INFECTION OR ALLERGIC REACTIONS

- A. The tattoo and/or body piercing shop shall provide a written report of any infection, allergic reaction, complications, and/or diseases resulting from the application of a tattoo and/or body piercing to the Albany County Department of Health within five working days of its occurrence or knowledge thereof. The report shall include:
 - 1. the name of the affected client;
 - 2. the name and location of the tattoo and/or body piercing shop or temporary location;
 - 3. the name of the tattooist;
 - 4. the date of the tattoo and/or body piercing;
 - 5. the specific color or colors of the tattoo and, when available, the manufacturer's catalogue or identification number of each color used;
 - 6. the location of the infection and the location on the body where the tattoo and/or body piercing was applied;
 - 7. the name and address of the health care provider, if any; and
 - 8. any other information considered relevant to the situation.
- B. Department shall utilize these reports in their efforts to identify the source of the adverse reaction(s) and to take action to prevent its recurrence.

PDF from NYS Department of State Division of Licensing Services Website – Licensure Requirements for Beauty Salons

What is an “Appearance Enhancement” Business?

An Appearance Enhancement Business is one that provides any or all of the services licensed under Article 27 of the General Business Law (Cosmetology, Esthetics, Nail Specialty, Natural Hair Styling or Waxing). You must obtain a license to own, control or operate an Appearance Enhancement Business in New York State. This is required regardless of whether you are a sole proprietor, partner, shareholder, officer or independent contractor (Area Renter). An Appearance Enhancement Business license does not allow you to provide customer services. Each person who provides service must be licensed by the Department of State in his or her respective discipline. Additionally, as a licensed Appearance Enhancement Business, you cannot permit the practice of Barbering at your business location without first obtaining a Barber Shop license (Article 28 of the General Business Law). Apprentice Barbers must be sponsored by a licensed master Barber (not a licensed Natural Hair Stylist) and cannot be employed by an Appearance Enhancement Business.

What is an “Area Renter”?

An Area Renter is a licensed operator who works in an Appearance Enhancement Business but who is not employed by the owner. If you are an Area Renter, you are an independent contractor and must obtain an Area Renter license in addition to your operator's license. An Area Renter's license alone does not allow you to provide customer services.

What are the general requirements for Appearance Enhancement Business and Area Renter licenses?

Appearance Enhancement Business and Area Renter applicants must:

- be at least 18 years old;
- comply with all federal, state and local health and safety laws, rules, regulations and codes, including the Americans with Disabilities Act; and
- operate the business or rent at the location listed on the license.

An Appearance Enhancement Business and Area Renter must maintain a surety bond; accidental and professional liability insurance policies, each in the minimum amount of \$25,000 per occurrence and \$75,000 in the aggregate; or a general liability policy in such amounts. You must submit evidence of this requirement at the time of your application. In addition, evidence of such must be maintained on the premises.

An Appearance Enhancement Business must maintain a Wage Bond as described below.

Wages legally due to workers and other providers of nail services of:

- At least \$25,000 if you employ the equivalent of two to five full time individuals who provide nail specialty services
- At least \$40,000 if you employ the equivalent of six to ten full time individuals who provide nail specialty services
- At least \$75,000 if you employ the equivalent of 11 to 25 full time individuals who provide nail specialty services
- At least \$125,000 if you employ the equivalent of 26 or more full time individuals who provide nail specialty services.

The liability coverage may be obtained by purchasing a bond in favor of the people of the State of New York; accidental and professional liability or general liability insurance; or a combination of the previous options provided that the coverage amounts are satisfied. You must provide evidence of this requirement at the time of your application. In addition, evidence of such must be maintained on the premises.

What are the ventilation requirements if my appearance enhancement business offers nail services?

The New York State Department of State requires all Appearance Enhancement Businesses offering nail services to provide ventilation to capture and exhaust harmful contaminants, fumes and particles away from clients and workers. To obtain Information pertaining to these requirements and time frames for compliance please

visit: <http://www.dos.ny.gov/licensing/appearance/nailsalons.html>

What should I do if I close my shop?

You should notify this department of shop closure. An Appearance Enhancement Business may be closed by downloading the Business Closing Form (DOS-1960) from our website and mailing the completed form to our office. There is no fee for the notification of closure. When a shop closes it will cancel all Area Renter licenses associated with it; any Area Renter associated with the closed shop must apply for a new Area Renter license to be associated with a new shop. You may also submit this request online.

What do I do if the shop I'm renting in closes?

When the Appearance Enhancement Business you rent from closes it will cancel your Area Renter license. You must apply for a new Area Renter license to be associated with a new business. You may also submit this request online.

What is the fee, term of licensure?

A nonrefundable, \$60 application fee must be submitted with the application. Licenses are issued for full four-year terms, automatically expiring four years after the effective date.

Child Support Statement

A Child Support Statement is mandatory in New York State (General Obligations Law) regardless of whether or not you have children or any support obligation. Any person who is four months or more in arrears in child support may be subject to having his or her business, professional and driver's licenses suspended. The intentional submission of a false written statement for the purpose of frustrating or defeating the lawful enforcement of support obligations is punishable under §175.35 of the Penal Law. It is a class E felony to offer a false instrument for filing with a state or local government.

PRIVACY NOTIFICATION

Do I need to provide my Social Security and federal ID numbers on the application?

Yes, if you have a social security number or Federal ID number, you are required to provide this number. If you do not have a social security number or Federal ID number, please provide a written explanation. The Department of State is required to collect the federal Social Security and Employer Identification numbers of all licensees. The authority to request and maintain such personal information is found in §5 of the Tax Law and §3-503 of the General Obligations Law. Disclosure by you is mandatory. The information is collected to enable the Department of Taxation and Finance to identify individuals, businesses and others who have been delinquent in filing tax returns or may have underestimated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. It will be used for tax administration purposes and any other purpose authorized by the Tax Law and may also be used by child support enforcement agencies or their authorized representatives of this or other states established pursuant to the Title IV-D of the Social Security Act, to establish, modify or enforce an order of support, but will not be available to the public. A written explanation is required where no number is provided. This information will be maintained in the Licensing Information System by the Director of Administration and Management, at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

September 10, 2018 email from Rick LaJoy, Director of Buildings and Regulatory Compliance, RE No inquiries or action regarding 372 New Scotland Avenue

From: Richard LaJoy [mailto:rlajoy@albanyny.gov]
Sent: Monday, September 10, 2018 12:25 PM
To: 'Judy Doesschate'
Subject: RE: 372 New Scotland Avenue

I have not heard from anyone. Rob was dealing with Seth though.

Rick

From: Judy Doesschate [mailto:judydoesschate@nycap.rr.com]
Sent: Monday, September 10, 2018 12:17 PM
To: Richard LaJoy
Subject: 372 New Scotland Avenue

Hi Rick –

Have you or anyone else in Buildings/Codes/Planning received any inquiries regarding the zoning for 372 New Scotland Avenue and its possible grandfather status?

Any inquiries regarding building permits or anything else related to this property?

It was on the market and now appears to be sold.

I had reached out to the listing real estate agent to make sure he knew this was not zoned as “mixed-use” as advertised – that only a “home occupation” would be allowed.

Any alleged claim to a “grandfather status” also ended June 27, 2018 or before.

Seth Kohl stopped using this property for his practice June 27, 2017 or before.

That is when he was arrested for sexually molesting patients.

He also had his license suspended over a year ago – so was completely prevented from using this property for that purpose since then.

He also sold the property to his wife in August of 2017 – shortly after he was served with a lawsuit for his assault on a patient.

Since any eligibility for “grandfather” status ends within a year of a property not being used for non-conforming use, this property clearly is no longer grandfathered in.

Thanks,
Judy

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