

DEPARTMENT OF HOUSING AND BUILDINGS
Intradepartmental Memorandum

To: Borough Superintendents Date: June 30, 1955
From: Commissioner B.J. Gillroy Subj: Milk Dispensing Machines in
Multiple Dwelling in Residence
Use District

I have given considerable thought to the question raised as to whether the installation and use of machines to dispense milk are in violation of the Zoning Resolution if installed in a multiple dwelling in a Residence Use District.

The main question involved is: Does the dispensing of milk by a machine in a "residence use district" constitute a legitimate accessory if so located in a multiple dwelling as to be relatively inaccessible to non-tenants of the multiple dwelling.

Under no circumstances shall this ruling be construed as permitting the sale of food or merchandise by machine as such has not been practice through the years and there is no justification for such commercial dispensing which could by any stretch of the imagination could be termed an accessory use.

It is a well established fact that milk is and has been delivered to tenants of multiple dwellings by depositing the containers of milk at the doors to the apartments of customers of the milk dispenser. The milk deposited is generally paid for once each week when the milkman calls with his bill. This has been the practice for probably 50 years or more. The delivery of milk to homes is an old practice.

The installation of washing machines in the basement or cellar of a multiple dwelling in a "residence use district" and their maintenance by other than the owner of the multiple dwelling has been accepted as a legitimate accessory although the owner and maintainer of the machines pays the owner for the concession, collects a fee for the use of the machines by tenants and presumably derives a profit therefrom.

It is my opinion and I so interpret the Zoning Resolution that the installation and operation of machines for dispensing milk in containers is a legal accessory use to a multiple dwelling in a "Residence Use District" (as designated in the Zoning Resolution of the City of New York) provided the said machines are so located in a cellar or basement that access to them by non-tenants is not readily had nor is their location generally known to non-tenants.

The department will not permit the installation of signs advertising the presence of machines or directing persons to their locations. Such signs shall constitute a violation as they will be intended to attract non-tenants. Tenants will soon know the location of milk machines.

You will kindly be guided by the foregoing.

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Signed
Bernard J. Gillroy
Commissioner