



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
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Office of Legal Affairs
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May 9, 1991

Andrea Kremen, Esq.
Spitzer & Feldman
405 Park Avenue
New York, New York 10022

Re: Satellite Dishes

Dear Ms. Kremen:

This letter responds to your request for an opinion of Counsel as to whether satellite dishes may be considered permissible obstructions, pursuant to Zoning Resolution ("ZR") §23-62.

Except as expressly provided under ZR §23-62, no obstructions may penetrate the sky exposure plane in a residence district. Satellite dishes are not among the list of permitted obstructions, and therefore, are not allowed. In addition, while a satellite dish may represent advanced technology of an aerial, which is a permitted obstruction, the two are very different in size and appearance, and therefore, would be treated differently for zoning purposes.

It should be noted, however, that satellite dishes are considered accessory to the residential use of a multiple dwelling. Therefore, the satellite dish would be permitted provided it did not penetrate the sky exposure plane.

We trust the foregoing responds to your inquiry.

Very truly yours,

Carole S. Slater
General Counsel & Director
Office of Legal Affairs

CSS:fm

cc: George Sakona, Deputy Commissioner