

**SUPERSEDED BY LPPN 1/04
(and subsequently by LPPN 1/05,
BB 2008-007 and 2015-008)**



DEPARTMENT OF BUILDINGS
EXECUTIVE OFFICES
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Legal
Policy and Procedure Notice #2/87

To: Distribution
From: Charles R. Foy, General Counsel
Date: November 13, 1987
Subject: Sample Easement and Restrictive Declaration Forms

In order to allow the development of parcels where such development would otherwise be foreclosed by various statutory restrictions or conditions, the Department of Buildings may, at its option, pursuant to Section 643 and 645 of the Charter of the City of New York, accept easements or restrictive declarations that provide for alternate means of compliance with statutory requirements.

The conditions leading to the need of an easement or restrictive declaration arise in a variety of contexts. Some of the situations encountered which have required the filing of D.O.B. approved easements and restrictive declarations are those dealing with the following:

1. Provision of Light and Air (Building Code/M.D.L./B.S.A. Resolutions).
2. Secondary Means of Egress (Building Code).
3. Lotline Windows (Building Code).
4. Caretaker's Apartment (Zoning Resolution Sec. 12-10).
5. Driveways (Building Code).
6. Party Walls (Building Code).
7. Sewers (Building Code).

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The following seven sample forms are composites of various easements and restrictive declarations which have received D.O.B. approval as to legal form.

All proposed easements and restrictive declarations will continue to be reviewed by the General Counsel.

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