

**LOTLINE WINDOW RESTRICTIVE DECLARATION**

DECLARATION, made this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, by \_\_\_\_\_, hereinafter referred to as the “Declarant,” having an office/residing at \_\_\_\_\_.

WHEREAS, the Declarant is the fee owner of certain land located in the City and State of New York, Borough of \_\_\_\_\_, designated as Block \_\_\_\_\_ Lot \_\_\_\_\_ on the Tax Map of the City of New York, hereinafter referred to as Parcel A, more particularly described by a metes and bounds description set forth in Schedule A annexed hereto and by this reference made a part hereof;

WHEREAS, the Declarant is desirous of constructing [altering] a certain building on Parcel A (the "Building") which upon completion will have \_\_\_\_\_ stories [with one basement or cellar] and will be used for residential purposes on floors \_\_\_\_\_ [and for commercial and other business purposes on the other floors];

WHEREAS, the Declarant has requested the New York City Department of Buildings (the “Department of Buildings”) to act upon Application No. \_\_\_\_\_ to construct exterior wall openings on floors \_\_\_\_\_ through \_\_\_\_\_ of the [direction wall faces (e.g., northerly, southerly)] \_\_\_\_\_ wall of the Building, as shown in the diagram annexed hereto as Schedule B, in excess of the permitted area established by Table 3-4 of Title 27, Chapter 1, Subchapter 3 of the Administrative Code of the City of New York;

WHEREAS, pursuant to footnote (b) of Table 3-4, the Department of Buildings may permit exterior wall openings to be constructed in excess of the permitted area established by Table 3-4 under the conditions set forth in such footnote; and

WHEREAS, the Department of Buildings has advised the Declarant that one of the conditions for obtaining authorization allowing construction of said exterior wall openings is that Declarant must execute a restrictive declaration setting forth the conditions under which such exterior wall openings in excess of the permitted area would be closed with construction meeting the requirements of the Administrative Code of the City of New York.

NOW, THEREFORE, in consideration of the issuance by the Department of Buildings of a building permit for the Building, the Declarant does hereby declare, create, impose and establish the following:

1. If any building neighboring the Building is hereafter altered or constructed to come within a distance of less than 60 feet in a direct line (whether horizontally, vertically or diagonally) of any exterior openings in the \_\_\_\_\_ wall of the Building from the \_\_\_\_\_ to the \_\_\_\_\_ above-grade floors, then said exterior wall openings which fall within said distance limitation shall promptly be closed with construction meeting the fire resistance rating requirements for an exterior wall of the Building as provided in the

Administrative Code of the City of New York and all other applicable laws, ordinances, codes rules and regulations;

2. This declaration may not be modified, amended or terminated without the prior written consent of the Department of Buildings;
3. The covenants set forth herein shall run with the land and be binding upon and inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns;
4. Failure to comply with the terms of this declaration may result in the revocation of a building permit or certificate of occupancy; and
5. This declaration shall be recorded at the city register's (county clerk's) office against all affected parcels of land and the cross-reference number and title of the declaration shall be recorded on each temporary and permanent certificate of occupancy hereafter issued to buildings located on the affected parcels and in any deed for the conveyance thereof.

IN WITNESS WHEREOF, Declarant has made and executed the foregoing restrictive declaration as of the date hereinabove written.

\_\_\_\_\_  
Declarant  
By:

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me, the undersigned, personally appeared [Declarant] \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public