

**STORMWATER CONTROL FACILITY
MAINTENANCE AGREEMENT AND EASEMENT**

WHEREAS, the **CITY OF BEACON** ("Municipality") and **RIVER RIDGE VIEWS, LLC**, a domestic limited liability company with an office for the transaction of business located at 50 Red Schoolhouse Road, Fishkill, New York 12524, ("Facility Owner") desire to enter into this agreement (the "Agreement"), dated this ____ day of _____, 2018, to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for certain real property located at Wolcott Avenue (NYS Route 9D), Beacon, New York 12508 being tax map numbers 5954-34-630770, 5954-26-673879 and 5954-26-649885, as shown on a certain subdivision map prepared by TEC Land Surveying dated July 25, 2017, filed in the Office of the Dutchess County Clerk on the _____ day of _____, 2018, as Filed Map No. _____ (the "Subdivision Map"), and further described by metes and bounds in Schedule A annexed hereto also being the same premises as described in a certain deed dated the 16th day of March, 2018 and recorded in the Dutchess County Clerk's Office on April 6, 2018 as document number 02-2018-2554 (the "Premises"); and

WHEREAS, this Agreement is provided in connection with a residential development project known as "River Ridge Townhouses", which received Subdivision and Site Plan approval (preliminary and final) from the City of Beacon Planning Board on March 13, 2018, based upon plans entitled "River Ridge Townhouses" dated July 25, 2017 and on file at the City of Beacon Building Department ("Approved Project Plans"), which Approved Project Plans include certain stormwater management facilities and stormwater control measures (collectively, the "Facility") required to be constructed and maintained in accordance with the Approved Project Plans and the

approved Stormwater Pollution Prevention Plan ("SWPPP") dated February 27, 2018, last revised June 29, 2018; and

WHEREAS, the Municipality and the Facility Owner desire that the Facility be built in accordance with the Approved Project Plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the Facility;

NOW, THEREFORE, IN WITNESS WHEREOF, the Municipality and the Facility Owner agree as follows:

1. This Agreement binds the Municipality and the Facility Owner, its successors and assigns, to the maintenance provisions depicted in the Approved Project Plans and described in Appendix "O" of the SWPPP, which are included in Schedule B of this Agreement.
2. The Facility Owner shall maintain, clean, repair, and replace the Facility and keep the Facility in continuous operation in accordance with the in the Approved Project Plans and the SWPPP as necessary to ensure optimum performance of the stormwater control measures to design specifications. The stormwater control measures shall include, if applicable, but shall not be limited to, the following items located at the Premises: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices, detention ponds and retention ponds. The maintenance schedule of the SWPPP is included in Schedule B of this Agreement.
3. The Facility Owner hereby grants unto the Municipality, its successors and assigns a perpetual easement and right-of-way to enter upon the Premises in order to access the Facility at reasonable times and in a reasonable manner for periodic inspection by the Municipality to ensure that the Facility is maintained in proper working condition and meets the design standards established by the SWPPP.

4. The Facility Owner shall be responsible for all expenses related to the maintenance of the Facility and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities, as applicable, except as otherwise set forth hereinafter.
5. The Facility Owner shall provide for the periodic inspection of the Facility in accordance with the SWPPP, and shall have the facilities inspected on a yearly basis by a Professional Engineer licensed by the State of New York, to determine the condition and integrity of the stormwater control measures. The inspecting professional shall prepare and submit to the Municipality within 30 days of the inspection but not later than June 1 of each year, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
6. The Facility Owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the Facility except in accordance with written approval of the Municipality which approval shall not be unreasonably withheld, delayed or conditioned.
7. The Facility Owner shall promptly undertake necessary repairs and replacement of the Facility at the direction of the Municipality or in accordance with the recommendations of the inspecting professional.
8. The Facility Owner hereby covenants that it is seized of the Premises in fee simple and has full authority to execute this Agreement; shall do nothing in the Premises which would prevent, impede or disturb the full use and intended purpose of this Agreement; and shall execute and deliver any further documents reasonably necessary to assure the benefits of this Agreement to the Municipality.

9. This Agreement shall not confer unto the Municipality any duty or obligation to repair or maintain the Facility. Further, the Municipality's acceptance of any rights pursuant to this Agreement shall not be deemed as the acceptance of any duty or obligation to repair or maintain the Facility, except that any damage to the Facility caused by the Municipality's negligence during inspections or otherwise shall be restored, repaired or otherwise remedied by the Municipality at the Municipality's sole cost.

10. This Agreement shall be recorded in the Office of the County Clerk, County of Dutchess as a condition of final site plan approval and as a condition to the issuance of a building permit.

11. If ever the Municipality determines that the Facility Owner has failed to construct or maintain the Facility in accordance with the Approved Project Plan or SWPPP, or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality shall provide the Facility Owner with written notice via certified mail, return receipt requested, specifying such failure. Copies of any written notices to the Facility Owner shall be contemporaneously provided to the Fee Owner, if different from the Facility Owner, via certified mail, return receipt requested. The written notice shall provide that the Facility Owner has fifteen (15) days to cure any defect and/or failure specified therein. In the event the failure cannot be cured within fifteen (15) days, the Facility Owner shall advise the Municipality as to same in writing within fifteen (15) days of receipt of the Municipality's notice to cure. The Facility Owner shall be afforded the opportunity to request a reasonable time frame to cure said failure/defect if the Facility Owner so desires. If the Facility Owner fails to provide written notice requesting an extension of time to cure a failure/defect and the Facility Owner does not cure said failure/defect, the Municipality is authorized to undertake such steps as are reasonably

necessary for the preservation, continuation or maintenance of the Facility and to affix the expenses thereof as a lien against the Premises.

12. In the event the Municipality exercises its rights hereunder, it shall return the Premises to a reasonably similar condition as it existed prior to the exercise of such rights.

13. All notice and demands shall be made in writing and delivered by certified mail, return receipt requested, with postage pre-paid thereon, addressed as follows:

City of Beacon:
City Administrator
City Hall
1 Municipal Plaza
Beacon, New York 12508

Facility Owner:
River Ridge Views, LLC
50 Red Schoolhouse Road
Fishkill, New York 12524

With a copy to:
Keane & Beane, P.C.
445 Hamilton Avenue, Ste 1500
White Plains, New York 10601
Attn: Nicholas M. Ward-Willis, Esq.

With a copy to:
Frederick D. Romig, Esq.
8 Barrister's Row, Suite 1
Wappingers Falls, New York 12590

14. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and all of which, when taken together, shall constitute one and the same instrument.

Signature pages follow.

IN WITNESS WHEREOF, the Facility Owner and the Municipality have each executed this Agreement as of the date first herein above set forth.

CITY OF BEACON

By: _____
Name:
Title:

RIVER RIDGE VIEWS, LLC

By: _____
Name: Timothy J. Owen
Title: Managing Member

By: _____
Name: Gary Joseph
Title: Managing Member

STATE OF NEW YORK)

COUNTY OF DUTCHESS) SS.:

On the ____ day of _____, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared _____ 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 executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public – State of New York

STATE OF NEW YORK)

COUNTY OF DUTCHESS) SS.:

On the ____ day of _____ 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared TIMOTHY J. OWEN and GARY JOSEPH 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 executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public – State of New York

Record & Return:

Keane & Beane, PC

445 Hamilton Avenue, Ste 1500

White Plains, NY 10601

Atten: Nicholas M. Ward-Willis, Esq.

Section:

Block:

Lot(s):

County:

Dutchess

Schedule A
Description of Premises

Description of Property

All that piece, plot or parcel of land situate, lying, and being in the City of Beacon, County of Dutchess, and State of New York and being more particularly described as follows:

Beginning at a concrete NYSDOT monument westerly bounds of Wolcott Avenue (N.Y.S. Route 9D), said point also being the southeast corner of the lands, now or formerly, of Reformed Church of Beacon (Liber 121, Page 692); Thence, along Wolcott Avenue and Ferry Street the following fourteen courses and distances:

- 1) South 35° 59' 54" West for a distance of 184.13 feet (284.59' FM11501) to a concrete NYSDOT monument;
- 2) South 42° 58' 30" West for a distance of 37.86 feet (37.73' FM11501) to a point near a broken, concrete NYSDOT monument;
- 3) South 40° 17' 46" West for a distance of 18.47 feet to a point;
- 4) South 40° 39' 50" W for a distance of 42.16 feet to a point;
- 5) South 35° 02' 07" W for a distance of 6.36 feet to a point near a concrete NYSDOT monument and the beginning of a non-tangential curve;
- 6) Said curve turning to the left, having a radius of 602.96 feet, a chord bearing of South 35° 22' 42" West and an arc length of 83.23 feet to a point;
- 7) South 39° 29' 57" West for a distance of 46.64 feet to a point;
- 8) South 37° 35' 19" West for a distance of 32.31 feet to a point;
- 9) South 48° 02' 42" West for a distance of 13.93 feet to a point;
- 10) South 64° 15' 59" West for a distance of 31.88 feet (33.25' FM11501) to a point;
- 11) South 79° 08' 45" West for a distance of 6.70 feet (19.98' FM11501) to a point;
- 12) North 77° 27' 45" West for a distance of 36.92 feet to the beginning of a non-tangential curve;
- 13) Said curve turning to the left, having a radius of 55.00 feet, a chord bearing of North 50° 19' 49" West and an arc length of 149.90 feet to a point;
- 14) North 63° 41' 45" W for a distance of 5.51 feet to a point;

Thence, along lands, now or formerly, of Hammond Plaza Condominiums, North 26° 18' 15" E for a distance of 232.00 feet to a point, said point being South 16° 47' 46" East and 6.52 feet from an iron pipe found; Continuing thence, North 6° 33' 25" East for a distance of 72.50 feet to a point; Continuing thence, North 63° 05' 25" W for a distance of 193.39 feet to a point, said point being North 60° 55' 53" and 3.32 feet from a leaning monument; Thence, along Beekman Street, North 39° 21' 26" East for a distance of 59.45 feet (58.20' FM11501) to a concrete monument; Continuing thence, North 04° 14' 18" East for a distance of 93.31 (94.33' FM11501) feet to a point, said point being South 52° 55' 15" West and 2.50 feet from a broken monument; Continuing thence, North 25° 36' 55" East for a distance of 39.84 feet to a point; Thence, along lands, now or formerly, of Reformed Church of Beacon the following seven courses and distances:

- 1) South 62° 16' 25" East for a distance of 25.50 feet to a concrete monument;
- 2) South 43° 59' 23" East for a distance of 20.83 feet to a point;
- 3) South 68° 49' 23" East for a distance of 46.64 feet (46.42' FM11501) to a concrete monument;

- 4) South $32^{\circ} 54' 20''$ West for a distance of 82.09 feet (82.36' FM11501) to a concrete monument;
- 5) South $61^{\circ} 10' 41''$ East for a distance of 174.85 feet (174.76' FM11501) to a concrete monument;
- 6) North $29^{\circ} 19' 24''$ East for a distance of 82.19 feet (82.00' FM11501) to a point near a leaning concrete monument;
- 7) South $61^{\circ} 51' 25''$ East a distance of 243.00 feet to the place or Point of Beginning.

Schedule B

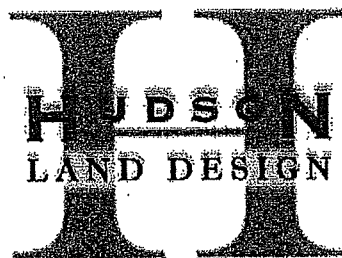
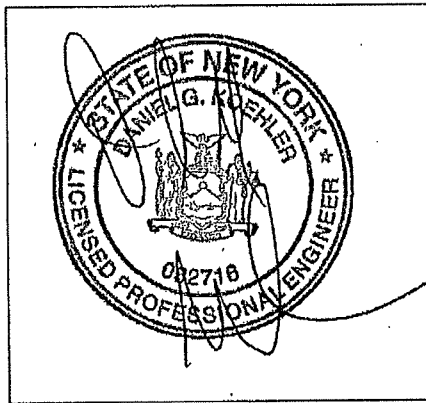
Stormwater Maintenance (SWPPP)

***Stormwater Management System
Operation and Maintenance Plan:
for
River Ridge Townhouses***

Prepared for:

River Ridge Views LLC
445 Main Street
Beacon, NY 12508

June 18, 2018



Prepared by:

Hudson Land Design Professional Engineering, P.C.
174 Main Street
Beacon, NY 12508
Ph: 845-440-6926

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1.0 INTRODUCTION

1.1 Summary of Stormwater Management System

The River Ridge Townhouses Project proposes construction of eighteen townhouse units within three building blocks, along with an access road, individual driveways, parking areas, sidewalks, landscaping, and a central green space, among other amenities. As such, and in accordance with City and State standards, a stormwater management system is being incorporated into the plan. The calculations and details associated with the proposed stormwater management system are within the Stormwater Pollution Prevention Plan (SWPPP) dated July 24, 2017, and the Site Plan Set dated July 25, 2017. The latest version of both the SWPPP and Site Plan Set as approved by the City of Beacon Planning Board shall be referred to.

The stormwater management system consists of several series of structures and culvert pipes that convey the stormwater runoff to a pre-treatment hydrodynamic separator unit which then discharges into an underground detention/infiltration system. The system mitigates the peak rates generated from the lot development prior to discharge offsite towards adjacent properties and the City stormwater collection system. The site map in Appendix A provides a general overview of the layout of the stormwater management system.

2.0 STORMWATER SYSTEM COMPONENTS

2.1 Catch Basins

Several catch basins are located throughout the site. Catch basins are pre-cast concrete structures located below grade that collect site runoff from the surface via a grate inlet, or from other portions of the site via pipe inlet. There are 9 catch basins located on the site identified as CB 1-8 and EX. CB 1. Catch basins are equipped with a sump to capture sediment. All catch basins have an outlet culvert pipe that conveys the runoff to its designed outlet. All culvert pipes on the site associated with the catch basins are 15" diameter corrugated high density polyethylene (HDPE). The ultimate discharge point from the site is identified as EX. CB 2, and is City owned and maintained.

2.2 Drain Basins

Several drain basins are located throughout the site. Drain basins are thermoformed PVC pipe stock, formed to provide watertight connections specifically based on inlet and outlet pipe sizes and invert elevations. The drain basins are intended to act as the upstream and downstream structures associated with a header culvert pipe that will specifically collect rooftop runoff from gutter and downspout systems associated with the buildings. There are 7 drain basins located on the site identified as DB 1-7. All drain basins have an outlet culvert pipe that conveys the runoff to its designed outlet. All culvert pipes on the site associated with the drain basins are 8" diameter corrugated HDPE.

2.3 Yard Drains

Several yard drains are located throughout the site. Yard drains are pre-cast concrete structures located below grade that collect site runoff from the surface via a grate inlet, or from other

portions of the site via pipe inlet. There are 10 yard drains located on the site identified as YD 1-4, 4A, 5, 5A and 6-8. Yard drains are equipped with a sump to capture sediment. All yard drains have an outlet culvert pipe that conveys the runoff to its designed outlet. All culvert pipes on the site associated with the yard drains are 15" diameter corrugated HDPE.

2.4 Stormwater Manholes

Stormwater manholes are pre-cast concrete structures located below grade that act as changes in culvert pipe direction or as junctions for multiple culvert pipes being combined. There are 2 stormwater manholes located on the site identified as STMH 1-2. Stormwater manholes are equipped with a sump to capture sediment. All stormwater manholes have an outlet culvert pipe that conveys the runoff to its designed outlet. All culvert pipes on the site associated with the stormwater manholes are 15" diameter corrugated HDPE.

2.5 Trench Drains

Trench drains are HDPE channels located below grade with surface grates that capture sheet flow drainage. There are 7 trench drains located on the site that serve to collect stormwater runoff for the driveways serving Units 1 - 7. The trench drains have a vertical pipe that discharges into a larger culvert pipe beneath them that conveys the runoff to its designed outlet.

2.6 Culvert Piping

Culvert piping consists of smooth interior corrugated HDPE pipe. The culvert pipes vary in size throughout the site, but are generally 8, 12" or 15" diameter.

2.7 Hydrodynamic Pretreatment Device

Hydrodynamic devices are pre-cast concrete structures that have internal components built into them to screen, separate and trap trash, debris, sediment, and hydrocarbons from stormwater runoff. There is 1 hydrodynamic pretreatment treatment device located on the site identified as WQ11. The device has two inlet pipes and 1 outlet pipe, all being 15" diameter corrugated HDPE.

2.8 Underground Detention System

The proposed underground detention system is comprised of 65 parabolic HDPE chambers manufactured by Cultec, model Recharger 330XLHD. Each chamber unit measures 52 inches in width, 30.5 inches in height, and 8.5 feet in length. The chambers are embedded in stone with a depth of 12 inches below the open bottom structures, 53.5 inches above the top of the structures and 12 inches surrounding the outermost edge of the structures. The open bottom chambers are constructed of HDPE and are perforated around their periphery allowing stormwater to infiltrate through the outside wall of the chamber. The parabolic arch allows for a higher storage volume per linear foot as opposed to a circular pipe of the same size. The stone that surrounds the chambers is a 1-2" washed crushed stone with 40% void space that provide for additional storage. The majority of the stormwater that enters the system during smaller storm events is infiltrated into the ground below. The system is also equipped with a 12" diameter corrugated HDPE outlet culvert pipe to pass flows from larger storm events while achieving reduced rates of flow from pre-development conditions. Every starting and end chamber for each row (and an

intermediate port for rows of more than 10 chambers) is provided with a 6" diameter inspection port raised to grade for monitoring and maintenance purposes.

3.0 MAINTENANCE

3.1 Responsibility for Maintenance

The River Ridge Views Homeowners Association, Inc. (hereinafter referred to as the HOA) will be responsible for maintaining the private drainage system as identified in this Operation and Maintenance Plan. Any major maintenance (such as re-grading, drain replacement, or similar effort) should only be conducted by a competent professional, such as a licensed contractor. The HOA itself, and contractors retained by the HOA must familiarize themselves with the purposes, design specifications, features, and operation of the stormwater management system. Site maintenance service providers (e.g., landscape maintenance and other maintenance companies), need to be informed of the specific maintenance requirements for the stormwater management system and should review the Site Plan Set, SWPPP and the Stormwater Management System Operation and Maintenance Plan (this document). Any earth disturbing activities must implement erosion and sediment control measures to prevent transport of sediment to the stormwater management system.

3.2 Maintenance Requirements

All components of the stormwater management system shall be inspected periodically by a competent professional with knowledge of stormwater conveyance and treatment systems.

3.2.1 Catch Basins, Drain Basins, Yard Drains, Stormwater Manholes, Trench Drains and Culvert Piping

In addition to standard periodic inspection following larger storm events, the following is a mandatory inspection schedule.

Frequency	Observation	Maintenance Activity
Spring and Fall	Inspect the storm drain outfall at EX. CB2 near Ferry Street. Look for obstructions, vegetation, debris, litter, sediment, etc.	Contact the City of Beacon Highway Department to remove obstructions, sediment, etc.
Spring and Fall	Inspect all catch basins, drain basins, yard drains, stormwater manholes, trench drains and their associated piping. Look for obstructions, vegetation, debris, litter, sediment, etc. blocking the structures or pipes. Utilize vacuum truck if necessary. Observe the flow of water after a rainfall event. Any evidence of ponding in the structure indicates a potential blockage.	Remove obstructions, remove sediment accumulations, etc. via vacuum truck or other acceptable method

3.2.2 Hydrodynamic Pretreatment Devices

The hydrodynamic pretreatment device requires regular inspection and maintenance to ensure optimal performance. Maintenance frequency will be driven by upstream conditions (contributing drainage area stabilization) and proper maintenance of upstream structures and culvert pipes. The manufacturer recommends that the CDS units be inspected quarterly (at each change of season). The structure shall be visually inspected for blockages or obstructions in the inlet or separation screen. The inspection should also quantify accumulation of hydrocarbons, sediment and trash within the system. Inspections and maintenance shall be performed by qualified personnel with adequate training in these types of units. The units shall be cleaned by vacuum truck once a year (except for the first year where more frequent cleanings may be required).

Frequency	Observation	Maintenance Activity
Quarterly (at each change of season)	The structure shall be visually inspected for blockages or obstructions in the inlet or separation screen. The inspection should also quantify accumulation of hydrocarbons, sediment and trash within the system.	Remove obstructions, sediment, etc. via vacuum truck or other acceptable method

3.2.3 Underground Detention System

The underground detention system shall be inspected prior to being placed into operation. Any accumulated sediment within the chambers shall be removed via hydraulic jet and vacuum truck. After being placed into operation, the following is a general guideline for inspection and maintenance, which may be adjusted by the operator periodically based on site conditions and subsequent system evaluations. Start with measurement of sediment at the inspection port for the first row of chambers via stadia rod, or inspection by CCTV. If the depth of sediment is in excess of 3 inches, then the row should be cleaned with high pressure water through a culvert cleaning nozzle, carried out through the hydrodynamic pretreatment device. The access point through the hydrodynamic pretreatment device requires a technician trained in confined space entry with proper gas detection equipment and equipped with proper safety equipment. The nozzle is extended to the end of the row, the water is turned on and the inlet row is back-flushed into the hydrodynamic device where it is removed by vacuum truck. The final row of chambers may be accessed through stormwater manhole 1 using the same method described above.

Frequency	Observation	Maintenance Activity
Year 1: monthly	Inspect inlets and outlets monthly for any clogging. Inspect the surface around the chambers for any depressions.	Remove obstructions as necessary. Contact a licensed professional engineer if depressions develop.
Year 2 and after: bi-annually (spring and fall)	Inspect inlets and outlets monthly for any clogging. Dewatering shall be monitored at least once per year. Inspect the surface around the	Remove debris as necessary as described in the narrative. Contact a licensed professional engineer if

	chambers for any depressions.	dewatering is not occurring or if depressions develop.
2 years after commissioning	Inspect the interior of the stormwater management chambers through inspection ports for deficiencies using stadia rod or cctv or other acceptable method.	Remove obstructions, sediment, etc. with hydro-jet and vacuum truck
9 years after commissioning, and every 9 years thereafter	Clean stormwater management chambers and feed connectors of any debris. Inspect the interior of the stormwater management chambers through inspection ports for deficiencies using stadia rod or cctv or other acceptable method.	Remove obstructions, sediment, etc. with hydro-jet and vacuum truck
45 years after commissioning	A professional engineer shall assess the remaining life expectancy of the stormwater management chambers through inspection ports for deficiencies using stadia rod or cctv or other acceptable method.	Retain a licensed professional engineer.
Annually	Confirm that no unauthorized modifications have been performed to the site that may impact the adequate functioning of the system.	Return the site to intended development conditions per the SWPPP and the Site Plan Set
Periodically	Monitor water levels in the chamber system following significant storm events. Dewatering of the system should take no longer than 24 hours.	Contact a licensed professional engineer if dewatering is not occurring.

4.0 LOG BOOK

All inspection reports shall include the date, weather conditions on the day of the inspection and leading up to the inspection, a list of the stormwater management system components that were inspected, the results of the inspection, and the maintenance performed. The inspection reports shall be kept within a log book for long term monitoring. Additional notes and significant repairs should be noted with applicable dates and also kept within the log book. A copy of all inspection reports shall be made available to the City of Beacon Building Department upon request.

APPENDIX A

SITE MAP

