

**STORMWATER CONTROL FACILITY
MAINTENANCE AGREEMENT AND EASEMENT**

WHEREAS, the **CITY OF BEACON** (“Municipality”) and **MY FOUR DGHTR’S REALTY CORP.** (“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 123 Rombout Avenue, Beacon, New York, identified as tax parcel 5954-35-794799, more fully shown on a the site plans consisting of eight (8) sheets generally entitled “123 Rombout Avenue”, prepared by Aryeh Siegel, Architect, and Hudson Land Design, dated July 25, 2017, last revised September 26, 2017 and filed in the City of Beacon Building Department (the “Approved Project Plans”), and further described by metes and bounds in Schedule A annexed hereto (the “Premises”); and

WHEREAS, this Agreement is provided in connection with a residential development project known as Site Plan Approval for 123 Rombout Avenue, which received a Use Variance to allow ten (10) multi-family apartments (10 units) from the Zoning Board of Appeals on May 16, 2017, and Site Plan Approval from the City of Beacon Planning Board on October 11, 2017, based on the Approved Project Plans, which include certain stormwater management facilities and control measures (collectively, the “Facility”) required to be constructed and maintained in accordance with the Approved Project Plans, as well as in the approved Drainage Report for 123 Rombout Avenue, prepared by Hudson Land Design Professional Engineering, P.C., dated July 25, 2017 (the “Drainage Report”), and the Stormwater Management System Operation and Maintenance Plan (the “SWMSOMP”) prepared by Hudson Land Design Professional Engineering, P.C., dated August 23, 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 the SWMSOMP, 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 SWMSOMP 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 SWMSOMP 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 SWMSOMP.

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 SWMSOMP, 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 Plans or SWMSOMP, 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:
My Four Daughters Realty Corp.
5-44 47th Avenue
Long Island City, New York 11101
Attn: Michael Angeliades

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:
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
Attn: Taylor M. Palmer, Esq.

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.

STATE OF NEW YORK)
)
COUNTY OF _____) 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

Record & Return:

Keane & Beane, P.C.	Section:	5954
445 Hamilton Avenue, Ste 1500	Block:	35
White Plains, New York 10601	Lot(s):	794799
Attn: Nicholas M. Ward-Willis, Esq.	County:	Dutchess

Schedule A

Legal Description – TAX ID: 5954-35-794799

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

Beginning at a drill hole found on the South side of Rombout Avenue, said point being the Northerly corner of parcel herein described; thence along Rombout Avenue South $59^{\circ}56'50''$ East a distance of 151.94 feet to a point; thence along the lands now or formerly of Unlimited Properties of Beacon South $30^{\circ}04'24''$ West a distance of 232.75 feet to a point; thence along lands of now or formerly of Schaeufele & Mosher North $58^{\circ}34'18''$ West a distance of 63.16 feet to a point; thence continuing along the lands of Schaeufele & Mosher and along lands now or formerly of Keeler & Mayen-Keeler South $30^{\circ}54'54''$ West a distance of 156.11 feet to a point; thence along the lands now or formerly of Lapine North $76^{\circ}10'50''$ West a distance of 86.72 feet to the lands now or formerly of Crossix, LLC; thence North $18^{\circ}52'10''$ East a distance of 288.74 feet to a point; thence South $64^{\circ}05'10''$ East a distance of 4.27 feet; thence along the lands now or formerly of Demattei South $87^{\circ}36'40''$ East a distance of 49.78 feet to a point and North $32^{\circ}44'00''$ East a distance of 105.00 feet to point of beginning.

Containing 57,822 square feet or 1.327 acres.

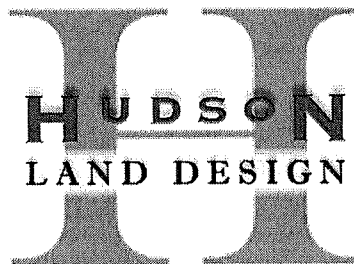
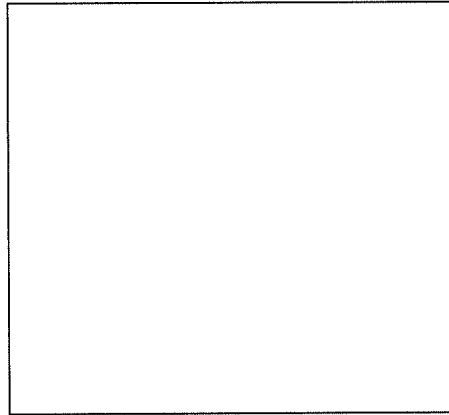
SCHEDULE B

Stormwater Management System Operation **Maintenance Plan (SWMSOMP)**

***Stormwater Management System
Operation and Maintenance Plan:
for
123 Rombout Avenue Site Plan***

Prepared for:
My Four Dghtr's Realty Corp.
5-44 74th Avenue
Long Island City, NY 11101

August 23, 2018



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

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APPENDIX A: OPERATION AND MAINTENANCE PLAN

1.0 INTRODUCTION

1.1 Summary of Stormwater Management System

The 123 Rombout Avenue project is located on the south side of Rombout Avenue in the City of Beacon, Dutchess County, New York. The total parcel area consists of ± 1.3 acres, and contains an office building, a parking lot, and a warehouse building that used to serve as lumber yard. The parcel is located within the R1-5 zoning district and has a tax map designation of 5954-35-794799.

The proposed project consists of repurposing the existing warehouse into a residential apartment building. A portion of the existing warehouse will be demolished and re-built. 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 Drainage Analysis Report dated July 25, 2017; Latest Revision March 5, 2018, and the Site Plan Set dated March 28, 2017; Latest Revision May 01, 2018. The latest version of both the Drainage Analysis Report 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 offsite through an existing closed drainage system, and ultimately to an existing catch basin that is a part of the City of Beacon's Municipal Stormwater Management System located in School Street. The O&M plan in Appendix A provides a general overview of the layout of the onsite 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 7 catch basins located on the site identified as CB 1&2 and EX CB 1-5. 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 proposed catch basins are 15" diameter corrugated high density polyethylene (HDPE) and the pipes associated with the existing catch basins are 15" corrugated metal pipe (CMP). The ultimate discharge point from the site is identified as EX 5 and flows offsite through a closed pipe system to a City owned and maintained catch basin located in School Street.

2.2 Yard Drains

Two 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 two yard drains located on the site identified as YD 3 & 4. 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.

2.3 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 is one stormwater manhole located on the site identified as EX. STMH 1. Stormwater manholes are equipped with a sump to capture sediment. The stormwater manhole has an outlet culvert pipe that conveys the runoff to a downstream catch basin.

2.4 Trench Drains

Trench drains are HDPE or pre-cast reinforced concrete channels located below grade with surface grates that capture sheet flow drainage. There is one trench drain located on the site that serve to collect stormwater runoff for the existing 3-story brick building located on the eastern side of the site. The trench drain has an 8" culvert pipe at the outlet that conveys the runoff to PLAN

2.5 Culvert Piping

Proposed culvert piping consists of smooth interior corrugated HPDE pipe. The culvert pipes are 15" in diameter.

3.0 MAINTENANCE

3.1 Responsibility for Maintenance

The My Four Dghtr's Realty Corporation. (hereinafter referred to as the Owner) 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 Owner itself, and contractors retained by the Owner 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, Drainage Analysis Report 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

The Owner shall provide for the periodic inspection of the stormwater facilities in accordance with this Operations and Maintenance Report 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 City of Beacon 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.

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

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

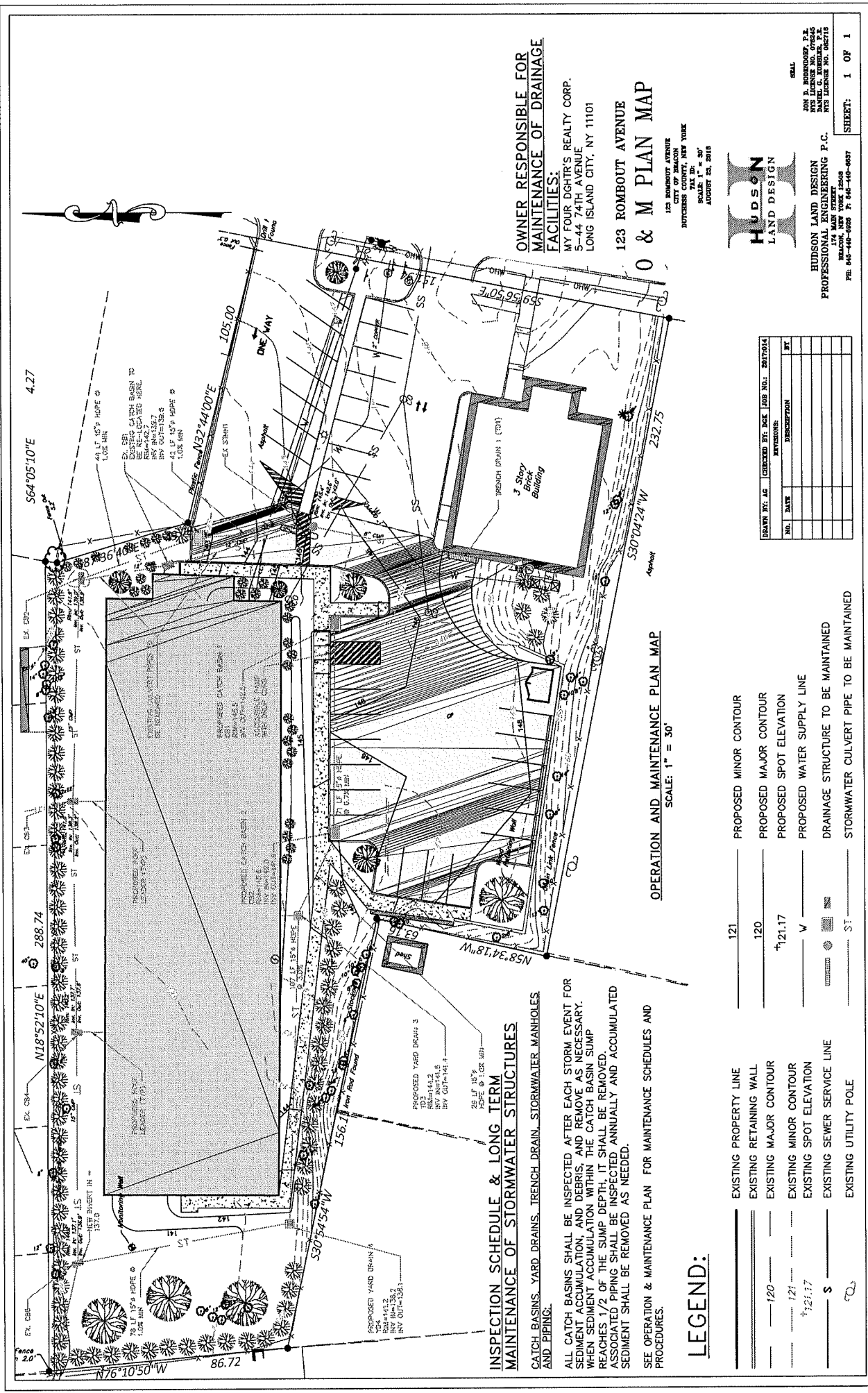
Frequency	Observation	Maintenance Activity
Spring and Fall	Inspect all catch basins, yard drains, stormwater manholes, trench drains and their associated piping. Look for obstructions, vegetation, debris, litter, sediment, etc. blocking the structures or pipes. Inspect the trench drain for siltation. 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

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. In addition to the required reporting noted in Section 3.1, a copy of all inspection reports shall be made available to the City of Beacon Building Department upon request.

APPENDIX A

Operation & Maintenance Plan



OWNER RESPONSIBLE FOR
MAINTENANCE OF DRAINAGE
FACILITIES:
MY FOUR DGT'S REALTY CORP.
S-44 74TH AVENUE
LONG ISLAND CITY, NY 11101
123 ROMBOUT AVENUE
O & M PLAN MAP

123 ROMBOUT AVENUE
LONG ISLAND CITY, NEW YORK
DUTCHES COUNTY, NEW YORK
TAX ID:
SCALE: 1" = 30'
AUGUST 01, 2018



HUDSON LAND DESIGN
PROFESSIONAL ENGINEERING P.C.
123 ROMBOUT AVENUE
LONG ISLAND CITY, NEW YORK 11101
PHONE: 646-440-6820 F: 646-440-6837
SHEET: 1 OF 1

OPERATION AND MAINTENANCE PLAN MAP
SCALE: 1" = 30'

INSPECTION SCHEDULE & LONG TERM
MAINTENANCE OF STORMWATER STRUCTURES

CATCH BASINS, YARD DRAINS, TRENCH DRAIN, STORMWATER MANHOLES
AND PIPING:
ALL CATCH BASINS SHALL BE INSPECTED AFTER EACH STORM EVENT FOR
SEDIMENT ACCUMULATION, AND DEBRIS, AND REMOVE AS NECESSARY.
WHEN SEDIMENT ACCUMULATION WITHIN THE CATCH BASIN SUMP
REACHES 1/2 OF THE SUMP DEPTH, IT SHALL BE REMOVED.
ASSOCIATED PIPING SHALL BE INSPECTED ANNUALLY AND ACCUMULATED
SEDIMENT SHALL BE REMOVED AS NEEDED.

SEE OPERATION & MAINTENANCE PLAN FOR MAINTENANCE SCHEDULES AND
PROCEDURES.

LEGEND:

- EXISTING PROPERTY LINE
- EXISTING RETAINING WALL
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING SPOT ELEVATION
- EXISTING SEWER SERVICE LINE
- EXISTING UTILITY POLE
- PROPOSED MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED SPOT ELEVATION
- PROPOSED WATER SUPPLY LINE
- DRAINAGE STRUCTURE TO BE MAINTAINED
- STORMWATER CULVERT PIPE TO BE MAINTAINED

DATE	BY	DESCRIPTION

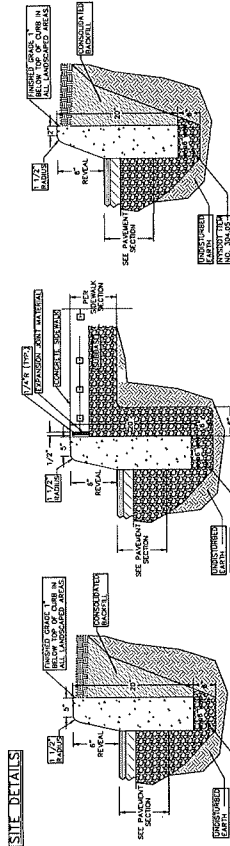
SEAL
JON P. ROSENBERG, P.E.
NYS LICENSE NO. 070016
JULY 1998
NYS LICENSE NO. 062716
AUGUST 2018

SCHEDULE B

Approved Project Plans

123 Rombout Avenue
Beacon, New York
Scale: As Noted
July 25, 2017

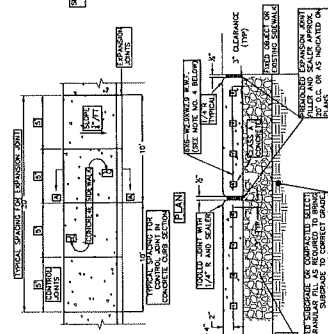
SITE DETAILS



NOTES:

1. CURB SHALL BE CAST IN PLACE CONCRETE AND SHALL BE FINISHED TO MATCH THE ADJACENT SIDEWALK.
2. EXPANSION JOINTS OF 1/4" GULLAGE OR SHALL BE PLACED AT 10' INTERVALS.
3. TOP MOUNTABLE CURB FINISH SHALL BE PLACED AT 10' INTERVALS.

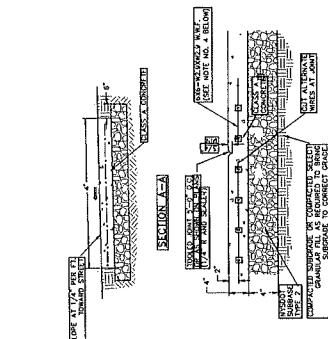
CAST-IN-PLACE CONCRETE CURB DETAIL
NOT TO SCALE



NOTES:

1. 1/4" SPACING OF CONTROL JOINTS SHALL BE USED FOR CAST IN PLACE CONCRETE CURBS.
2. SPACING OF CONTROL JOINTS SHALL BE USED FOR CONCRETE SIDEWALKS.
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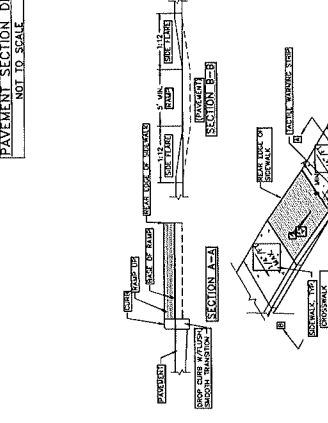
CONCRETE SIDEWALK DETAIL
NOT TO SCALE



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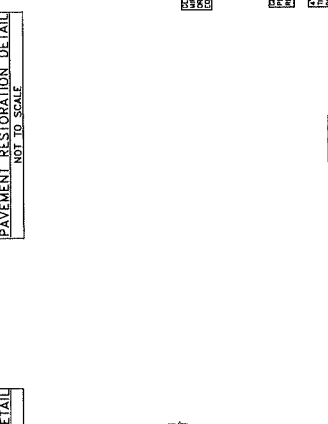
CONCRETE SIDEWALK DETAIL
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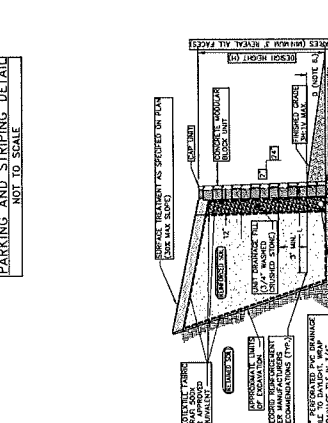
CONCRETE SIDEWALK DETAIL
NOT TO SCALE



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CONCRETE SIDEWALK DETAIL
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CONCRETE SIDEWALK DETAIL
NOT TO SCALE

CONCRETE SIDEWALK DETAIL

PEDESTRIAN RAMP WITH DROP CURB DETAIL

PAINTED CROSSWALK DETAIL

CONCRETE MODULAR RETAINING WALL DETAIL

Owner:
My Four Daughters Realty Corp.
5-44 74th Ave.
Long Island City, New York 11101

Architect:
Aryeh Siegel, Architect
84 Mason Circle
Beacon, New York 12508

Supplier:
TEC Surveying
150 Ticonderoga Avenue
Beacon, New York 12508

Site / Civil Engineer:
Hudson Land Design
174 Main Street
Beacon, New York 12508

APPROVED BY: _____
DATE: _____
CONTRACT NO.: _____
AS APPEARED: _____
SHOWN THIS: _____ DAY OF _____, 19____
BY: _____
CHIEF ENGINEER
SEAL: _____
REGISTERED PROFESSIONAL ENGINEER
IN THE STATE OF NEW YORK
NO.: _____
EXPIRATION DATE: _____

Site Details Sheet 7 of 8

Utility, And Erosion & Sediment Control Details

Sheet 8 of 8

