

Prepared by: James E. Stahl, Esq.

**DECLARATION**

**THIS DECLARATION** (the "**Declaration**") is made as of this \_\_\_ day of \_\_\_\_\_, 2026, by:

**ESH Properties, LLC**, whose address c/o KW Rastall Oil Company, Attn: David Rosenburgh, 2600 Route 130, North Brunswick, New Jersey 08902, (the "**Declarant**"),

**WITNESSETH:**

**WHEREAS**, Declarant is the owner of certain real property located in the Township of North Brunswick, Middlesex County, New Jersey, shown and designated as Block 224, Lots 10, 11, 12, 12.01 & 12.02, on the Township of North Brunswick Tax Map (the "**Declarant's Property**"); and

**WHEREAS**, on \_\_\_\_\_, the Township of North Brunswick Planning Board ("Township") adopted a resolution of approval ("Approval") under Application No. \_\_\_\_\_ approving Minor Subdivision, Preliminary and Final Major Site Plan and Variance relief to develop the site with two warehouse/office flex space buildings; and

**WHEREAS**, as a condition of the approval granted by the Township of North Brunswick's Planning Board, Declarant is required to comply with and record a copy of a certain Operations and Maintenance Manual with the Middlesex County Clerk's Office; and

**WHEREAS**, with respect to the drainage system which consists of a discharge point on Declarant's Property, all maintenance and repair of such facilities shall be performed in accordance with the maintenance schedule and procedures outlined in the Operations and Maintenance Manual entitled, "Stormwater Maintenance Plan", dated September 17, 2025, and prepared by William M. Doran and Sons. The Operations and Maintenance Manual shall be filed with the Township Clerk and shall be kept by the property Owner in a safe and known location. The manual is annexed hereto as **Exhibit "A"** for reference and made a part hereof. The Approval requires Declarant to comply with and record this Declaration in the Middlesex County Clerk's Office; and

**WHEREAS**, Declarant now seeks to record this Declaration in satisfaction of the requirements of the Approval.

**NOW, THEREFORE,** the Declarant, intending to be legally bound, for itself, and its transferees, licensees, tenants, occupants, successors and assigns **HEREBY DECLARES** as follows:

**1. Incorporation of Preamble.** The provisions set forth in the Preamble of this Declaration are incorporated herein by reference and made a part hereof.

**2. Compliance with Stormwater Manual.** Declarant shall, upon development of the Declarant's Property pursuant to the Approval, maintain the Declarant's Property in a manner consistent with the terms and conditions of the Stormwater Manual.

**3. Covenant Runs With the Land.** The covenant set forth in Section 2 above is not personal to Declarant, but shall run with the land and shall be binding upon the Declarant during the period of its ownership and upon Declarant's successors and assigns.

**4. Release of Declarant after Sale.** Upon the sale or transfer of Declarant's interest in the Property, Declarant shall be released from all responsibilities or obligations arising hereunder after such sale or transfer, without the necessity of the execution or delivery of additional documents.

**5. Validity.** If any term, covenant or condition of this Declaration or the application thereof to any person or circumstance shall be invalid or unenforceable, the remainder of this Declaration or the application of such term, covenant or condition to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby, and each term, covenant and condition shall be valid and enforceable to the fullest extent permitted by law.

**6. Application of Law.** The validity, construction, performance and enforceability of this Declaration shall be governed in all respects by the laws of the State of New Jersey, without reference to the choice-of-law principles thereof. The venue of any litigation arising in connection with this Declaration or in respect of any of the obligations under this Declaration, shall, to the extent permitted by law, be in Middlesex County, New Jersey.

**7. Headings.** The paragraph headings are for convenience of reference only and shall not limit or otherwise affect the meaning hereof.

[REMINDER OF PAGE INTENTIONALLY LEFT BLANK, SIGNATURE PAGE TO FOLLOW]

**IN WITNESS WHEREOF**, Declarant has executed this Declaration the day and year first above written.

**ATTEST/Witness:**

**DECLARANT:**

**ESH Properties, LLC**

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

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

Print Name: \_\_\_\_\_

Name: David Rosenburgh

Position: Authorized Signatory

**Acknowledgment**

STATE OF NEW JERSEY

COUNTY OF \_\_\_\_\_ SS:

I CERTIFY that on \_\_\_\_\_, 2025, David Rosenburgh, Authorized Signatory of ESH Properties, LLC, personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

(a) was the maker of this Declaration;

(b) was authorized to and did execute this Declaration as Authorized Signatory of ESH Properties, LLC, the limited liability company named in this Declaration; and

(c) made this Declaration for: \$1.00 as for the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5); and

(d) executed this Declaration as the act of the limited liability company named in this Declaration.

\_\_\_\_\_  
Notary Public of New Jersey

**RECORD AND RETURN TO:**

James E. Stahl, Esq.  
Borrus, Goldin, Foley,  
Vignuolo, Hyman and Stahl, P.C.  
2875 US Route One  
North Brunswick, New Jersey 08902

**WILLIAM M. DORAN and SONS**

PROFESSIONAL ENGINEERS, LAND SURVEYORS and PLANNERS  
939 RIDGE ROAD, SUITE #1  
MONMOUTH JUNCTION, NJ 08852  
609-430-0077, email ddoran@williamdoranandsons.com

DANIEL M. DORAN

NJ PE & PLS 32389  
NJ PP 04427

**STORMWATER MAINTENANCE PLAN**

FOR

**ESH PROPERTIES, LLC**  
BLOCK 224 LOTS 10, 11, 12, 12.01 & 12.02  
NORTH BRUNSWICK TOWNSHIP  
MIDDLESEX COUNTY, NJ

Prepared by:

  
Daniel M. Doran, PE & PLS



date

***Stormwater Structures:*** The Stormwater structures that are to be installed within the development located on Block 224 Proposed Lot 9.01 are the following:

- a. 598 15" ADS Pipe
- b. 275 LF 24" ADS Pipe
- c. 246 LF 24" RCP. Class IV
- d. Precast Concrete Headwall
- e. Riprap
- f. (8) precast concrete inlets
- g. 75 LF 5' high chain link fence

The details and location of these structures are shown on the Stormwater Plans for ESH Properties, LLC, said plans have been prepared by William M. Doran & Sons. A copy of the Stormwater Plans are included at the end of this document. When available, an "as built" plan of the system shall be made part of this document.

***Party Responsible for the Maintenance of the Stormwater Structures:***

ESH Properties, LLC

name

1 Kirkstone Circle, Westfield, NJ 07090

Address

732-620-3962

telephone #

The above information shall be recorded on the deed(s) of the property. Any changes in this information, (i.e. sale of the property), must also be recorded on the deed(s).

The above party shall evaluate this maintenance plan for its effectiveness at least once a year and revise the plan as necessary.

The above party must retain and, upon request, make available the maintenance plan and associated logs and other records for the review by a public entity with administrative, health, environmental, or safety authority over the site.

Preventive and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure, removal of sediment, debris, or trash, restoration of eroded areas, snow and ice removal, fence repair or replacement, and the restoration of vegetation.

All maintenance work shall be in accordance with the North Brunswick Township Stormwater Ordinance.

***General Maintenance:***

The entire system shall be inspected at least four times a year as well as after every major storm, (those storms that exceed 1 inch of rainfall).

Removal of silt shall be performed twice a year, (April and November) at a minimum.

Disposal of sediment, removed from the system, shall be in accordance with all local, state and federal waste regulations.

All structural components shall be inspected for cracking, subsidence, spalling, erosion and deterioration at least once a year. Replacement of components as required.

***Maintenance Costs:***

The owners are recommended to contract a licensed maintenance company to perform the maintenance of the system. This contract should be renewed at least once a year. Consideration shall be given to the perspective company, in regards to their ability to perform the required tasks. The costs for performing these tasks will change over time. Yet, if the system is properly and regularly inspected the degree of maintenance required should not fluctuate over time.

***Access to Structures:*** The entire stormwater system is located on the site with the components of the system easily accessible for anyone inspecting or maintaining the system.

**Inspection Checklist / Maintenance Actions  
STORMWATER PIPE NETWORK & INLETS**

Checklist (circle one): Quarterly / Annual / Monthly / Special Event Inspection

Checklist No. \_\_\_\_\_ Inspection Date: \_\_\_\_\_

Date of most recent rain event: \_\_\_\_\_

**Rain Condition** (circle one):

Drizzle / Shower / Downpour / Other \_\_\_\_\_

**Ground Condition** (circle one):

Dry / Moist / Ponding / Submerged / Snow accumulation

**The following inspection items and preventative/corrective maintenance actions listed below represent general requirements. The responsible party shall adjust the items and actions to better meet the conditions of the site, the specific design targets, and the requirements of regulatory authorities.**

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Component No. Component Name	For Inspector		For Maintenance Crew
	Inspection Item and Inspection Item No.	Result	Preventative / Corrective Maintenance Actions
STORM WATER SYSTEM	1	Condition of inlet grates	Y__ N__ Work Order # _____
	2	Excessive sediment, silt, or trash accumulation at inlet	Y__ N__ Work Order # _____
	3	Inlet Structure	Y__ N__ Work Order # _____
	4	Condition of pipe network	Y__ N__ Camera Pipe Work Order # _____
	5	Concrete Headwall	Y__ N__ Check Structure Work Order # _____
	6	Chain Link Fence	Y__ N__ Condition of fence Work Order # _____
NOTES:			

## Preventative Maintenance Record

Corresponding Checklist No. \_\_\_\_\_  
 Component No. \_\_\_\_\_, Inspection Item No. \_\_\_\_\_

### Work Logs

Activities	Components	Date Completed
Sediment/debris removal <b>Sediment removal should take place when the system is thoroughly dry.</b>		
	A – Inlets	
	B – Pipe Network	
	C – Headwall	
	D - Fence	
	Comments	
System Components	A –	
	B –	
	C –	
	D -	
(List additional tasks, if applicable)		

Vegetation/silt removed by \_\_\_\_\_ (type of equipment) with minimum disruption to the remaining vegetation.

All use of fertilizers, pesticides, mechanical treatments, and other means to ensure optimum vegetation health must not compromise the intended purpose of the stormwater management measure. The fertilizer applied is \_\_\_\_\_ (type), and \_\_\_\_\_ (quantity per usage) is applied \_\_\_\_\_ (frequency of use).

Debris, sediment, and trash are handled (onsite / by \_\_\_\_\_ (contractor name) to disposal site \_\_\_\_\_).

**Crew member:** \_\_\_\_\_ / \_\_\_\_\_ **Date:** \_\_\_\_\_  
(name/ signature)

**Supervisor:** \_\_\_\_\_ / \_\_\_\_\_ **Date:** \_\_\_\_\_  
(name/ signature)

**File this Preventative Maintenance Record in the Maintenance Log after performing maintenance.**

## Corrective Maintenance Record

1. Work Order # \_\_\_\_\_ Date Issued \_\_\_\_\_

2. Issue to be resolved:

3. The issue was from Corresponding Checklist No. \_\_\_\_\_, Component No \_\_\_\_\_ Inspection Item No. \_\_\_\_\_.

4. Required Actions

Actions	Planned Date	Date Completed
(List additional tasks, if applicable)		

5. Responsible person(s):

\_\_\_\_\_

6. Special requirements

- Time of the season or weather condition: \_\_\_\_\_
- Tools/equipment: \_\_\_\_\_
- Subcontractor (name or specific type): \_\_\_\_\_

Approved by \_\_\_\_\_ / \_\_\_\_\_ Date \_\_\_\_\_  
(name/signature)

Verification of completion by \_\_\_\_\_ / \_\_\_\_\_ Date \_\_\_\_\_  
(name/signature)

**File this Corrective Maintenance Record in the Maintenance Log after performing maintenance.**