



**CITY OF ITHACA**  
**108 E. Green St. — Third Floor Ithaca, NY 14850-5690**

**DEPARTMENT OF PLANNING AND DEVELOPMENT**

**JoAnn Cornish, Director**

Planning & Development – 607-274-6550

Community Development/IURA – 607-274-6565

E-Mail: [dgrunder@cityofithaca.org](mailto:dgrunder@cityofithaca.org)

**To:** Svante Myrick, Mayor  
Common Council  
Aaron Lavine, City Attorney  
Julie Holcomb, City Clerk  
Megan Wilson, Senior Planner  
Mike Thorne, Superintendent of Public Works  
JoAnn Cornish, Director of Planning, Building, and Economic Development  
Tim Logue, Director of Engineering Services

Planning & Development Board  
Mobility, Accessibility, and Transportation Commission  
Parks, Recreation & Natural Resources Commission  
Public Safety and Information Commission  
Community Life Commission

**From:** JoAnn Cornish, Director of Planning and Development on behalf of Tim Logue, City Engineer

**Date:** December 2, 2020

**RE: Entering into an Agreement with Cycle CNY for Mountain Bike Trails in Cass Park**

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City Engineering staff have been working with Cycle CNY on the feasibility of creating a mountain bike trail in Cass Park. A small area in the park has been identified that can accommodate a small network of mountain bike trails that would be easily accessible to city residents and visitors and will provide opportunities for skill building for beginner mountain bikers. (See map below.)

This proposal was presented to the Board of Public Works on October 20, 2020, where it was recommended for approval.

This action is an Unlisted Action under both the State Environmental Quality Review (SEQRA) and the City's Environmental Quality Review Ordinance (CEQR) and is subject to environmental review. A Short #Environmental Assessment form is attached. The Planning and Economic Development Committee of Common Council will review this proposal at their regularly scheduled meeting on December 16, 2020. Your comments are respectfully requested by December 15, 2020 so that they may be considered by the Committee.

If you have any questions or concerns, contact Tim Logue at 607-274-6535.



### LEGEND

- Town Address 2015
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3
- Tax Parcels
- Primary Commons Zone
- Secondary Commons Zone
- Historic District
- Zoning District
- Parking Lots and Garages
- Impervious Surfaces
- Paved Walk or Surface or Pm
- Paved Parking
- Paved Roadway or Public Roa
- Unpaved Drive or Walk or Sur
- Buildings
- + Railroad
- Parcel
- Border
- Waterway
- Park

Printed: 10/14/2020

Printed from City of Ithaca Interactive Web Maps application

1:3,305

275 Feet

Red area shows area for future trails.

Blue dotted lines show approx. location of trails for 2020/2021.

Data contained on this map was provided or derived from data developed or compiled by the City of Ithaca, and is the best available to date. The originators do not warrant the accuracy or completeness of the information portrayed by the data.



# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5.     Urban           Rural (non-agriculture)           Industrial           Commercial           Residential (suburban)			
<input type="checkbox"/> Forest     Agriculture                           Aquatic           Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest    Agricultural/grasslands    Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban    Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: _____ Date: _____  Signature: _____ Title: _____		

**CYCLE-CNY AND CITY OF ITHACA  
CASS PARK  
MEMORANDUM OF UNDERSTANDING**

THIS AGREEMENT, among:

- The CITY OF ITHACA, a municipal corporation in the State of New York, with offices at 108 E. Green Street, Ithaca, New York 14850, hereinafter the “City,”
- CYCLE-CNY., a chartered chapter of the International Mountain Bicycling Association (IMBA) and a domestic not-for-profit corporation in the State of New York, with offices at \_\_\_\_\_, hereinafter “CYCLE-CNY,”

WITNESSETH THAT:

WHEREAS, the CITY owns and operates Cass Park in the City of Ithaca; and

WHEREAS, CYCLE-CNY is a not-for-profit educational organization formed in 2005 with the mission to “create, enhance and preserve great trail experiences for mountain bikers in the Southern Tier of New York, and to create a bicycle friendly community through cycling awareness, safety advocacy and promotion of bicycling for fun, fitness and transportation. CYCLE-CNY seeks to preserve, protect, and promote mountain bike access and diverse riding opportunities on New York’s public and private lands through education, communication and unified action”; and

WHEREAS, City staff and CYCLE-CNY members have identified a small area of Cass Park that promises to accommodate a small network of mountain bike trails that could be easily accessible to city residents and visitors and may provide opportunities for skill building, fun and fitness;

WHEREAS, the City supports and shares CYCLE-CNY’s goals to enhance park facilities and to increase opportunities for the public’s use and enjoyment of Cass Park; therefore

IN CONSIDERATION OF the promises, covenants and agreements contained herein, the parties hereby agree as follows:

1. Partnership: By executing this agreement the parties intend to affirm the public/private partnership between the City and CYCLE-CNY to build and maintain a network of mountain bike trails in Cass Park, and to provide structure and process to define how the parties will work together. The identified area for mountain bike trail development is in the wooded area between the baseball fields and the Black Diamond Trail.
2. Final Authority: Notwithstanding the foregoing, the parties acknowledge and understand that, as owner of Cass Park, the City is solely responsible for maintenance, improvement and development of the park. As such, all decisions concerning maintenance,

improvement and development of park features are subject to the City's approval processes and prioritization of projects. Trail development proposed by CYCLE-CNY shall be approved by the Cass Park Manager.

3. Communication: The parties agree to meet regularly to discuss and coordinate, where applicable, potential grant opportunities, projects for development, and maintenance concerns. The City shall designate one or more staff representative(s) to serve as the City's primary and initial point of contact for purposes of fostering communication and coordination with CYCLE-CNY. CYCLE-CNY agrees to provide to the City an annual report due January 31<sup>st</sup> of each year to include the following information:
  - a. A narrative that will include a log of all trail work completed in previous calendar year, including dates, number of volunteers, hours, location, and a description of the trail work completed.
  - b. A map of existing trails.
  - c. Details of any downed trees that must be cleared from trail. Trees less than 10 inches diameter at breast height (DBH) may be removed by the Volunteer. If a chainsaw is to be used, the Volunteer must meet the requirements as detailed in the DEC Division of Lands and Forests Health & Safety Manual regarding Use of Chainsaws and Other Hand Held Equipment. All tree removals shall be approved by the City Forester before removal. CycleCNY may hire a City approved tree removal company for such work.
  - d. Notes of trail sections requiring better signage, or drainage/trail tread improvements.
  - e. Trail construction proposed in the upcoming year, including a map of planned trail improvements and any technical trail features. These items are addresses in 5. Trail System.
4. Trail System:
  - a. Trails shall be designed to standards and guidelines of IMBA's *Trail Solutions*.
  - b. Trails may include technical trail features (TTF), all of which shall be approved by City before construction. All TTFs shall have no consequence for lack of speed and all shall be navigable by a novice rider, for example, by use of alternate lines or the ability to roll all features.
  - c. Unauthorized TTF shall be removed by CycleCNY upon the direction of the City
  - d. As part of the annual report noted above, CycleCNY shall produce a map of existing trails and any trail proposed for the upcoming year.
5. Maintenance: This agreement authorizes routine maintenance and rehabilitation activities on trails approved by the City. These activities may include removal of fallen trees less than 10 inches DBH and woody debris (blowdown), hand-cleaning of existing trail ditches and culverts, mowing, brushing, pruning, repair/construction of water diversions with hand tools, and the hardening of trail surfaces with native rock. These activities also include the brushing/cutting of live shrubs and trees less than 6 inches DBH within the existing cleared width of any trail. Tree branches that extend into the approved trail

corridor may be pruned. Individual broken or worn planks on wooden bridges may be replaced in kind.

6. Insurance: This will be the insurance paragraph. My expectation is that CYCLE-CNY will provide to the City a certificate of liability insurance for all volunteer work on the Cass Park mountain bike trails and CYCLE-CNY will agree to indemnify and hold harmless the City of Ithaca for such work. That said, this paragraph will be further developed with City attorneys.
7. Termination: Either party may terminate this Agreement upon giving the other party 90 days' prior written notice of such termination.
8. Entire Agreement: This is the entire agreement between the parties. It replaces and supersedes any and all oral agreements between the parties, as well as any prior writings. Modifications and amendments to this agreement, including any exhibit or appendix, shall be enforceable only if they are in writing and are signed by authorized representatives of both parties.
9. Applicable Law and Venue: This Agreement shall be governed under the Charter and Municipal Code of the City of Ithaca and the laws of the State of New York without regard to, or the application of New York State's choice of law provisions. The parties further agree that the Supreme Court of the State of New York, held in and for the County of Tompkins shall be the forum to resolve disputes arising out of either this agreement or work performed according thereto, and the parties consent to the jurisdiction of such court.
10. Counterparts: This Agreement may be executed in two or more counterparts, each of which shall be deemed an original and all of which, taken as a whole, shall constitute one and the same Agreement.
11. Notice: For the purpose of providing any notice required pursuant to this Agreement, the contact persons for each party shall be as follows, unless modified by any party, pursuant to written notices thereof provided to the other parties:

- For the CITY OF ITHACA:

108 E. Green Street  
Ithaca, NY 14850  
(607) 274-  
[@cityofithaca.org](mailto:cityofithaca.org)

AND

City Attorney  
108 E. Green Street  
Ithaca, NY 14850  
(607) 274-6504  
[attorney@cityofithaca.org](mailto:attorney@cityofithaca.org)

- For CYCLE-CNY:



SIGNED:

CITY OF ITHACA

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

Date: \_\_\_\_\_

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

Title: \_\_\_\_\_

CYCLE-CNY

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

Date: \_\_\_\_\_

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

Title: \_\_\_\_\_