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**Clubhouse-golf definition**

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**From :** Michael Toohey <mtoohey@sktccLaw.com>      Fri, Jun 19, 2015 11:44 AM  
**Subject :** Clubhouse-golf definition       3 attachments  
**To :** Kate Maynard (kate.maynard@saratoga-springs.org) <kate.maynard@saratoga-springs.org>  
**Cc :** Bradley Birge <bbirge@saratoga-springs.org>

Kate: Based on the meeting that we had with you and Brad I attach a modified definition of Clubhouse-Golf (Modified 6-17-15 Exhibit B) for which the City Council is seeking an Advisory Opinion from the Planning Board. For comparison I am also enclosing the original definition A and B that was discussed and was presented at the Council meeting.

We can discuss all three definitions with the Planning Board but the difference between the text of the three are as follows:

Exhibit A. This was the original definition which contained the requirement for a "full size" 18 hole golf course, the clustering requirement, the 3,000 foot setback and the concept of permeable land and public access.

Exhibit B was developed after conversations with a member of the City Council who was concerned that the golf lodges could somehow be converted into permanent residence. As a result the concept of "kitchen facilities" was carved out as not being a possibility. What this functionally means is that there can be no oven, stove or cooktop in the unit as those are the kitchen appliances need for a permanent residence. The idea of a refrigerator, sink, coffee maker and/or microwave was acceptable as in this day and age they are common in short stay accommodations.. The remainder of this definition is significantly the same as Exhibit A.

The Modified Exhibit B answers the questions that you and Brad asked in our meeting. First, what is a "full size 18 hole golf course". We looked for a universal definition and could not come up with one that was definitive. As a result we looked at the purpose for the phrase and that was to eliminate a 18 whole par 3 course being able to have a "Clubhouse" or a course that is less than 18 holes being qualified for a "Clubhouse". We then figured out that it should be a combination of holes and length of the course. As a result there would have to be an "18 hole golf course which measures in excess of 5,000 yards". We are hoping that is clear enough and answers the concern.

Next we thought that with the concern for private ownership of the golf lodges we should be more definitive as a result we modified the last sentence in the first paragraph to read, "No residential unit may be privately owned or deeded.

In the second paragraph it was my interpretation of our conversation that there was a need for more of a mandate with regard to permeable land and public access, as a result I have substituted the

word “shall” for “may” to place a mandate on the Planning Board through the Special Use Permit and Site Plan Procedure.

Finally, there was a conservation of how does this work in a macro sense with the Conservation Overlay District. By the Planning Board meeting on Wednesday and hopefully prior we will have a more definitive map which using our most recent data analyses the usable land to be incorporated in the project, gives its breakdown and comes to a conclusion having to do with remaining developable land in relation to the cluster concept that we have agreed to use. We are convinced that using the general concept contained within the overlay district that we will have excess acreage over which we would place a conservation easement for so long as the Golf Clubhouse exists on the property.

Please let me know if you can place us on the Agenda as we would like to have this concept aired so that we can get back to the City Council.

Thanks you for your anticipated cooperation's.

Regards,

Mike

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**Clubhouse Definition - Exhibit A - Execution Copy.docx**

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**Clubhouse Definition - Exhibit B - Execution.docx**

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**Clubhouse Definition - Exhibit B - 6-17-15.docx**

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## **EXHIBIT B**

### **Clubhouse-Golf**

A structure or clustered group of structures associated with a full size 18 hole golf course, that may include locker rooms, spa, health and fitness center, golf and fitness related retail, restaurant and banquet facilities, business center, lodging for up to 100 rooms and up to 6 free-standing golf lodges, containing common space and up to 8 guest rooms with no associated kitchen facilities. A Clubhouse does not allow privately owned residential units.

For a Clubhouse in the Rural Residential District (Conservation Overlay District), the facilities, other than the golf course, golf school, pump house, restrooms, storm shelter facilities and maintenance facilities, shall be at least 3,000 feet from the Clubhouse's primary public road entrance with no building being higher than 50 ft. Only one Clubhouse can be constructed in relation to the golf course. Retention of permeable land and public access may be a criterion considered by the Planning Board in granting of a Special Use Permit and/or Site Plan Review.

[MODIFIED 6-17-15]

**EXHIBIT B**

Clubhouse-Golf

A structure or clustered group of structures associated with **an 18 hole golf course, which measures in excess of 5,000 yards,** that may include locker rooms, spa, health and fitness center, golf and fitness related retail, restaurant and banquet facilities, business center, lodging for up to 100 rooms and up to 6 free-standing golf lodges, containing common space and up to 8 guest rooms with no associated kitchen facilities. **No residential unit may be privately owned or deeded.**

For a Clubhouse in the Rural Residential District (Conservation Overlay District), the facilities, other than the golf course, golf school, pump house, restrooms, storm shelter facilities and maintenance facilities, shall be at least 3,000 feet from the Clubhouse's primary public road entrance with no building being higher than 50 ft. Only one Clubhouse can be constructed in relation to the golf course. Retention of permeable land and public access **shall** be a criterion considered by the Planning Board in granting of a Special Use Permit and/or Site Plan Review.