

# MACKEY BUTTS & WISE LLP

ATTORNEYS AT LAW

February 18, 2021

VIA HAND DELIVERY

Robert B. Dietz  
Robert R. Butts  
David R. Wise  
Joshua E. Mackey  
Cara A. Whalen

Ian S. MacDonald  
Christina A. Mazzarella  
Claire L. Pulver  
Paul E. Denbaum

Neil A. Wilson  
Roderick J. MacLeod  
R. Keith Salisbury  
Tyrone Brown

Hon. Gary Ciferri, Supervisor  
Hon. Members of the Town Board  
Town of Washington  
10 Reservoir Dr.  
Millbrook, NY 12545

Re: Janet's Farm, LLC  
Petition for Zoning Amendment  
Our File Number: 6185.0001

Dear Supervisor Ciferri and Members of the Town Board:

We represent Janet's Farm, LLC, the Petitioner in the above referenced matter.

The following documents are submitted for Town Board review in advance of the Special Meeting scheduled for February 25, 2021 at 12:30 pm:

1. Original and 8 copies of the Petition dated February 19, 2021.
2. Original of the landowner consent letter from Everest Polo Stable, Inc.
3. Original of the executed Town of Washington Owner's Endorsement letter executed by Will Guidara, authorized representative of the Petitioner.
4. 8 copies of a Long Form Environmental Assessment Form (EAF) in regard to the proposed action.
5. 8 copies of a Master Plan Study dated February 1, 2021 prepared by StoneHill Taylor Architects, P.C.
6. Flash drive containing digital copies of items 1-5 above.

We look forward to meeting with the Board next Thursday. If you have any questions, please contact me.

Reply to:

✉ 3208 Franklin Avenue  
Millbrook, NY 12545  
P 845.677.6700  
F 845.677.2202


☐ 319 Mill Street  
Poughkeepsie, NY 12601  
P 845.452.4000  
F 845.454.4966

www.mbwise.com

JEM/NAW

Very Truly Yours,

MACKEY BUTTS & WISE, LLP

  
Joshua E. Mackey, Esq.

TOWN BOARD OF THE TOWN OF WASHINGTON  
DUTCHESS COUNTY, STATE OF NEW YORK

X

In the Matter of the Application of

Janet's Farm, LLC

PETITION

**Petitioner**

For an Amendment to Articles III and VI of the  
Town of Washington Zoning Code to Add a New  
Section 349 to Allow Town Board Designation of  
Special Purpose Area Overlay Districts  
and Designation of Certain Properties of Petitioner as  
a Special Purpose Area Overlay District for a Project  
Known as "Second Mountain"

X

TO THE TOWN BOARD OF THE TOWN OF WASHINGTON:

Petitioner, Janet's Farm, LLC (hereinafter "Janet's Farm") by its attorneys Mackey  
Butts & Wise, LLP, respectfully states as follows:

1. Petitioner is a Limited Liability Company organized and existing under the laws of the State of Delaware and authorized to conduct business in the State of New York. (See Exhibit A attached hereto).
2. Petitioner is the contract vendee to purchase certain real property from the current owner, Everest Polo Stables, Inc. and is authorized by the said current owner to make this Petition. (See Exhibit B attached hereto).
3. Said real property is as follows:

Tax Parcel #6865-00-761303  
92-114 Sutton Rd  
Washington 12545  
135.07 acres

Tax Parcel #6965-00-006474  
3872-3874 Route 44  
Washington 12545  
198.13 acres

Tax Parcel #6865-00-645421  
3808 Route 44  
Washington 12545  
18.25 acres

Tax Parcel #6865-00-625473  
3802-3804 Route 44  
Washington 12545  
1.26 acres

4. The current zoning for the real properties is RR-10, Rural Residential, which permits low density residential uses, and a few non-residential uses deemed compatible for the RR-10 District. However, Petitioner seeks to develop the properties for uses that are not currently permitted in the RR-10 District.

5. Petitioner is requesting a zoning amendment and an Overlay District designation for the said properties to allow the development of a high-end luxury resort with large and unique guest rooms in the central buildings and new cottages in select locations throughout the property, and including 23 single family units in condominium ownership that would also be served by hospitality staff. Fine dining and casual dining would also be provided in the central building and the patio overlooking the lawn will be extended with a glass enclosure to provide approximately 60 seats. Activities would include spa treatments, indoor and outdoor pools, indoor and outdoor movie theaters, wellness programming including yoga, meditation, etc., hiking, snow shoeing and cross-country skiing on the property and other local trails, craft classes, tennis courts, croquet, bocce, horseshoes, and an arcade room with pinball and electronic games, billiards, etc. The existing accommodations would be renovated with a design

approach that incorporates the age, history, and architecture of the buildings, with a mix of luxurious furnishings, vintage objects, and modern mixes of color and texture to freshen the spaces. New construction would also be reflective of the site's unique historic design. Sewer and water supplies would be maintained on-site and subject to New York State Department of Health regulations. Access to all of the on-site facilities would be via Route 44 in the Mabbettsville Hamlet. (See Exhibit C hereto).

6. Project approvals include a zoning text amendment by the Town Board (See Exhibit D hereto) to add a new Section 349, "Special Purpose Area Overlay District (SPA Overlay District)", to Article III of the Town Zoning Code, and amendments to Article IV, Section 610, "Definitions" to add new definitions in support of the SPA Overlay District language.

7. Assuming the Town Board adopts the requested zoning amendments, Petitioner will request that the Town Board designate the real properties identified above as a SPA Overlay District.

8. Upon receipt of the SPA Overlay District designation Petitioner will seek site plan and possibly subdivision/lot line revision approvals from the Town Planning Board pursuant to the Planning Board's grant of authority.

**WHEREFORE**, Petitioner respectfully requests that the Town Board adopt amendments to Articles III and VI of the Town Zoning Code as set forth herein, and requests the Town Board approve of the zoning amendments as set forth in Exhibit D hereof; and

**FURTHER**, Petitioner respectfully requests that upon adoption of the requested zoning amendments that the Town Board designate tax parcel numbers 6865-00-761303,

6965-00-006474, 6865-00-645421, and 6865-00-625473 as a Special Purpose Area Overlay District for development of the properties in accordance with the Master Plan as set forth in Exhibit C hereof.

For Petitioner:  
By Its Attorneys:

A handwritten signature in black ink, appearing to read 'Joshua E. Mackey', is written over a horizontal line.

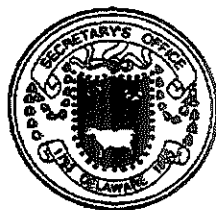
Joshua E. Mackey, Esq.  
Mackey Butts & Wise, LLP

# Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "JANET'S FARM LLC", FILED IN THIS OFFICE ON THE THIRTEENTH DAY OF JANUARY, A.D. 2021, AT 8:37 O`CLOCK A.M.



4724298 8100  
SR# 20210096280

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

A handwritten signature in black ink, appearing to read "JBULLOCK", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed in a small font.

Authentication: 202287151  
Date: 01-14-21

EXHIBIT A

**STATE OF DELAWARE LIMITED LIABILITY COMPANY  
CERTIFICATE OF FORMATION**

**FIRST:** The name of the limited liability company is Janet's Farm LLC

**SECOND:** The address of the registered office of the limited liability company in the State of Delaware is 919 North Market Street, Suite 950, Wilmington, DE 19801, County of New Castle, and the name of the registered agent of the limited liability company in the State of Delaware at said address is InCorp Services, Inc.

**IN WITNESS WHEREOF,** the undersigned has executed this Certificate of Formation on this 13th Day of January, 2021



\_\_\_\_\_  
**John Park, Organizer**

EXHIBIT A

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 08:37 AM 01/13/2021  
FILED 08:37 AM 01/13/2021  
SR 20210096280 - File Number 4724298

# Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "JANET'S FARM LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE FOURTEENTH DAY OF JANUARY, A.D. 2021.



4724298 8300

SR# 20210096280

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

A handwritten signature in black ink, appearing to read "JBULLOCK", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Authentication: 202287152

Date: 01-14-21

EXHIBIT A



CERTIFICATE OF AUTHORITY UNDER SEC. 805 OF THE LIMITED LIABILITY COMPANY LAW

ENTITY NAME: JANET'S FARM LLC

DOCUMENT TYPE: APPLICATION FOR AUTHORITY (FOR LLC)

COUNTY: ALBA

FILED:01/15/2021 DURATION:\*\*\*\*\* CASH#:210115000316 FILM #:210115000282  
DOS ID:5919028

FILER:

EXIST DATE

CORPORATE FILING SOLUTIONS INC.  
PO BO 65

01/15/2021

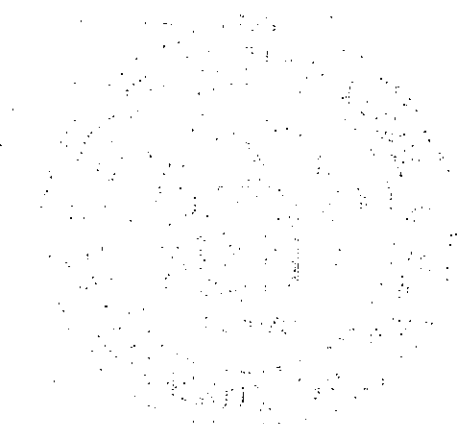
WAKEFIELD, MA 01880

ADDRESS FOR PROCESS:

C/O LESTER BLECKNER & SHAW LLP  
350 FIFTH AVENUE  
NEW YORK, NY 10118

SUITE 330

REGISTERED AGENT:



The limited liability company is required to file a Biennial Statement with the Department of State every two years pursuant to Limited Liability Company Law Section 301. Notification that the biennial statement is due will only be made via email. Please go to [www.email.ebiennial.dos.ny.gov](http://www.email.ebiennial.dos.ny.gov) to provide an email address to receive an email notification when the Biennial Statement is due.

SERVICE COMPANY: CORPORATE FILING SOLUTIONS INC.

SERVICE CODE: 9R

FEES	275.00
FILING	250.00
TAX	0.00
CERT	0.00
COPIES	0.00
HANDLING	25.00

PAYMENTS	275.00
CASH	0.00
CHECK	0.00
CHARGE	0.00
DRAWDOWN	275.00
OPAL	0.00
REFUND	0.00

EXHIBIT A

DOS-1025 (04/2007)



Town of Washington

TOWN OF WASHINGTON  
BUILDING DEPARTMENT  
10 Reservoir Dr, PO Box 667  
Millbrook, NY 12545  
845-677-3419

PLEASE NOTE: If ownership is held jointly or in partnership, each owner and/or partner must sign a separate owner's endorsement. If the owner or owners are making the application, this endorsement is not required.

**OWNER'S ENDORSEMENT**

STATE OF NEW YORK)  
COUNTY OF \_\_\_\_\_) ss:

Will Guidara, being duly sworn, deposes and says:

- I am: (check one)
- 1. the sole owner in fee
  - 2. a part owner in fee
  - 3. an officer of the corporation which is the owner in fee of the premises described in the foregoing application.
  - 4. designated party authorized to act pursuant to a trust or legal document.
  - 5. member/owner(s) of Limited Liability Corporation (LLC).

(If you checked #3, #4 or #5, please provide proof of legatee (ie: Corporate Resolution, Surrogate Letter, Executor of the Will, Certified Letter of Testamentary, Letter of Administration, Attorney-Opinion Letter, Letter or Probate, Power of Attorney, etc.)

I reside at 400 New Salem Road

City Kingston State NY Zip 12401

I have authorized (name) Janet's Farm LLC, their agents, representatives, consultants and

(Company) \_\_\_\_\_

to make the foregoing application to the Town of Washington for approval as described herein for the property located at See attached list.

property ID # \_\_\_\_\_ - See attached

Signature

If owner is a corporation, please indicate name of corporation and title of the corporate officer whose signature appears above.

Sworn to before me this 16 day of February, 2021

Notary Public

Notary Stamp:

**JOSHUA E. MACKEY**  
Notary Public, State of New York  
No. 02MA6237226  
Qualified in Dutchess County  
Commission Expires March 14, 2023

**Everest Polo Stables, Inc.  
689 5th Avenue  
New York, New York 10022**

February 4, 2021

**Re: 3872-3874 Route 44, Town of Washington, Dutchess County, New York  
Tax Map No. :: 6965-00-006474 ( 198.13 +/- acres); and  
3802 Route 44, Town of Washington , Dutchess County, New York  
Tax Map No. 6865-00-625473 (1.26 +/- acres; and  
92-114 Sutton Road, Town of Washington, Dutchess County, New York  
SBL: 6865-00-761303 (135.07 +/- acres); and  
3808 Route 44, Town of Washington, Dutchess County, New York  
SBL: 6865-00-645421 (18.25 +/- acres)**

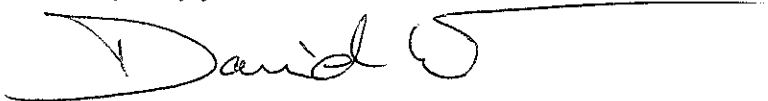
Dear Sirs/Madams,

Please be advised that we authorize Janet's Farm LLC, their agents, representatives, consultants and inspectors to appear before you and make application to obtain certain permits and approvals for their intended use of our land referenced above.

If you have any questions please do not hesitate to contact our attorney Shawn B. Pratt, Esq. at 845-677-2600.

This authorization remains in effect until withdrawn by us in writing/

Very truly yours,

A handwritten signature in black ink, appearing to read "David", with a long horizontal flourish extending to the right.

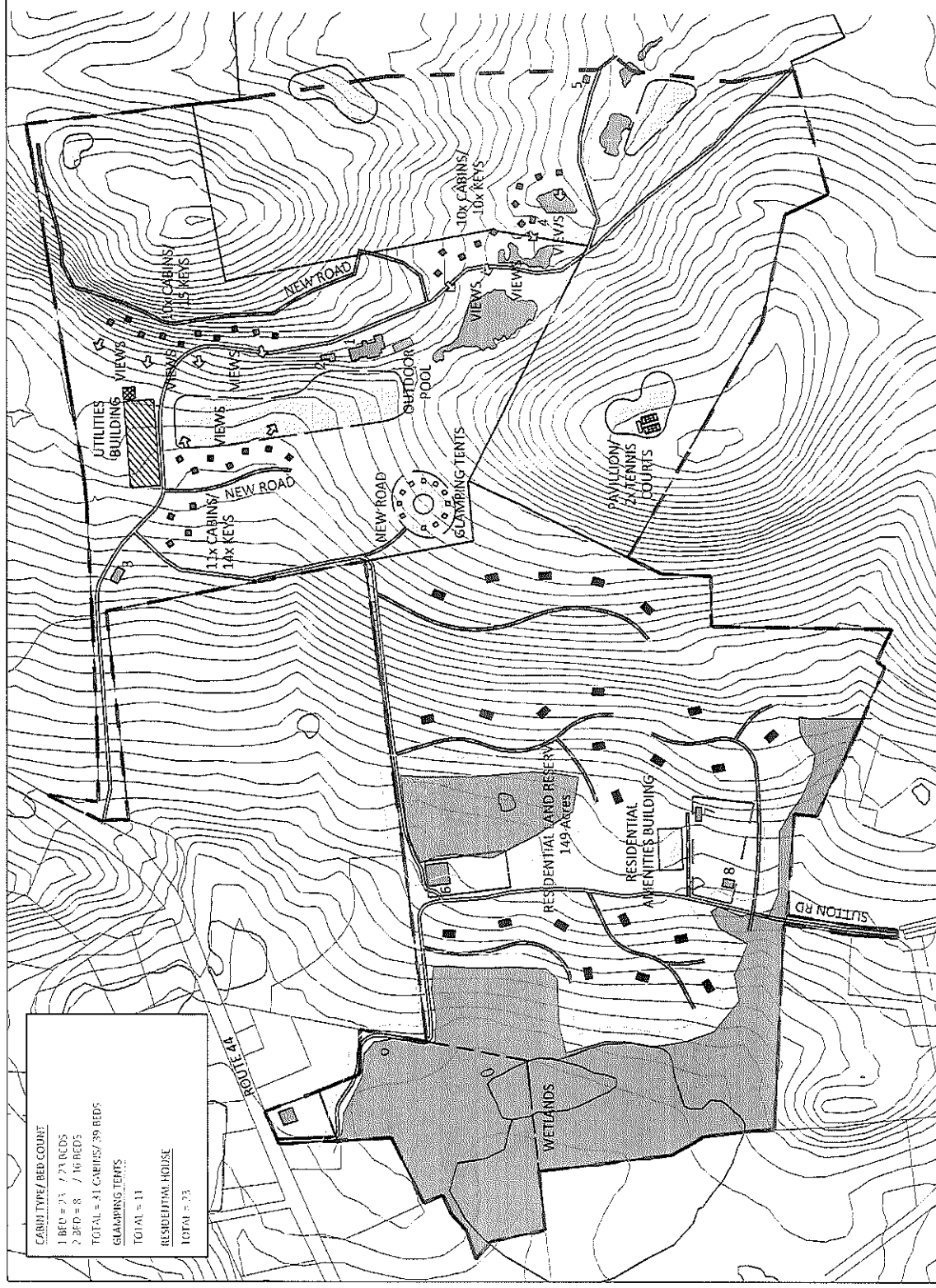
Everest Polo Stables, Inc.

By: David Wildenstein, Vice President



**LEGEND**

- 1 CASTLE
- 2 STAFF HOUSE
- 3 GATE HOUSE
- 4 TREE HOUSE
- 5 GREEN HOUSE
- 6 SHED/ WAREHOUSE
- 7 MEDIEVAL BUILDING
- 8 TUDOR HOUSE
- 9 STAFF BUILDING
- PROPERTY LINE
- WETLANDS BUFFER
- WETLANDS
- RESIDENTIAL LAND RESERVE
- PONDS
- MEADOW
- PARKING
- EXISTING PROPERTY
- OUTDOOR POOL
- AMENITIES
- 1 BED CABINS
- 2 BED CABIN
- GLAMPING TENTS
- RESIDENTIAL HOUSES
- UTILITIES BUILDING
- NEW ROAD
- VIEWS



CABIN TYPE/ BED COUNT	
1 BED	= 23 / 73 BEDS
2 BED	= 8 / 16 BEDS
TOTAL = 31 CABINS/ 89 BEDS	
GLAMPING TENTS	
TOTAL	= 11
RESIDENTIAL HOUSE	
TOTAL	= 23

# STONEHILL TAYLOR

SKA-004

PROJ. : \_\_\_\_\_  
 SCALE : \_\_\_\_\_  
 DATE : 02/11/21

STONEHILL TAYLOR ARCHITECTS PC  
 31W 27TH STREET, NEW YORK, NY 10001  
 TEL 212.226.8898

EXHIBIT C

MASTERPLAN STUDY  
 OPTION 01

MIDDLE CASTLE  
 3872 US-44  
 MILLBROOK, NY 12545

SCALE: 1" = 100'

BE IT ENACTED by the Town Board of the Town of Washington as follows:

1. Article III of the Town of Washington Zoning Code (herein also referred to as “Chapter”), is hereby amended to add a new section 349 as follows:

§349. Special Purpose Area Overlay District (SPA Overlay District)

A) Purpose. This overlay district is to encourage the development of specifically approved land uses, including but not limited to overnight and extended stay accommodations, restaurants, spas, and recreation and sporting facilities for members, guests, and the general public. The SPA Overlay District is intended to provide for flexibility in the application of the Town’s generally applicable land use requirements for proposed development under limited and unique circumstances. The purpose is to allow consideration of innovation in site planning and other aspects of project design, and more effective design responses to site features, uses on adjoining properties, and environmental impacts than the current zoning code standards would produce without adjustment. The Town expects each project within a Special Planning Area Overlay District to be of obvious, significantly higher quality than would be achieved through conventional design practices and standards. As determined solely by the Town Board, approval of a SPA Overlay District is approval of the basic elements of a project that meets the requirements of this section, subject to final site plan and subdivision approvals, as applicable, by the Town Planning Board.

B) General Requirements

a) A SPA Overlay District designation of specific parcels of real property may be permitted, at the sole discretion of the Town Board, as a zoning amendment, subject to such additional terms and conditions as the Town Board may require, on qualifying property located within the following zoning districts:

(i) The RR-10 and RS-10 Rural Residential districts; and

b) The minimum land area for a SPA Overlay District project is 350 contiguous acres.

- (i) For purposes of this subsection B(b), the required contiguous acres may consist of a single parent parcel of no less than 350 acres, or an assemblage of parent parcels that together equal no less than 350 acres.
  - (ii) The Town Board may require that the resulting parcels of the SPA Overlay District development, be subject to restrictive easement agreements, common easement agreements, and access easement agreements, as the case may, be to ensure continuity of the approved development, including continuous responsibility for ownership and maintenance of any resulting parcels or land area(s) that are set aside as open space.
- c) The minimum lot frontage for a SPA Overlay District project is 500 linear feet on a state highway.
  - (i) For purposes of this subsection B(c), the required minimum lot frontage is not required to be continuous and unbroken. However, any egress and ingress to the approved SPA Overlay District project from all primary and secondary access roads and driveways shall be via the state highway subject to the approval of the New York State Department of Transportation.
- C) Uses. The general location and the types of allowed principal and accessory land uses within each SPA Overlay District shall be those specified by each SPA Overlay District adopting resolution. Additionally, any land use normally allowed in the primary underlying RR-10 and RS-10 Rural Residential districts may be allowed within the SPA Overlay District, subject to any additional requirements of Town Board approval.
- D) Lot Area and Bulk Requirements. The Planning Board is hereby authorized to establish the minimum lot, area, and setback requirements for all uses and all lots within a SPA Overlay District provided the overall number of principal and accessory structures and units and uses does not exceed that as set forth in the SPA Overlay District adopting resolution. This grant of authority shall not be construed to permit the Planning Board to vary the minimum buffer setbacks required for proposed uses and lots adjacent to existing residential uses as may be specified in the SPA Overlay

District adopting resolution, except as otherwise expressly permitted by the Town Board.

- a) Lots or parcels within a SPA Overlay District development shall not be required to have frontage on a public street, provided that appropriate reciprocal easements are provided, to the satisfaction of the Planning Board and the Town Attorney, for access between such lots over common internal roadways and driveways to the state highway. Such reciprocal easements and any restrictive easements and covenants as may be required by the Town Board, or as may be desired by the applicant, shall be recorded in the Office of the County Clerk as a condition of any approvals. For purposes of this Section the SPA Overlay District project as approved by the Town Board is designated an open development area in accordance with the Town Law §280-a(4).

E) Other requirements.

- a) Utilities. The SPA Overlay District project shall be served by sewage disposal and water supply facilities of sufficient capacity to service the proposed development. Unless determined to be infeasible by the Planning Board, all utilities, including electric and communications lines shall be installed underground.
- b) Lighting, Landscaping, Parking, Signage, Architecture. The Planning Board shall review and approve lighting, landscaping, parking, signage and architecture in accordance with Section 485 of this Chapter.
- c) Open space. Usable open space shall comprise at least thirty (30) percent of the total area of the SPA Overlay District project. The required open space shall be reserved for use in common by members, guests, and residents, and the Town Board may require permanently reserved open space to be preserved in a manner which makes the Town, or a public district, or a public agency, or a not-for-profit organization qualified under Article 49, Title 3 of the state Environmental Conservation Law responsible to enforce the reservation.

- F) Findings. In approving an application for SPA Overlay District approval, the Town Board shall make written findings that the proposed development:
- a) Is consistent with the Town Comprehensive Plan and the requirements of this Section; and
  - b) Complies with all applicable provisions of this Chapter other than those modified by the SPA Overlay District approval resolution; and
  - c) Is appropriate to accommodate the superior design and use objectives of the proposed project, its compatibility with adjacent land uses, and its successful mitigation of any identified environmental impacts; and
  - d) Can be adequately, conveniently, and reasonably served by available public utilities and transportation systems; and
  - e) Provides design features that are reasonably suited to the characteristics of the site and the surrounding neighborhood; and
  - f) Takes best advantage of the size, shape, topography, and circumstances of the parcels that comprise the project; and
  - g) Would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use, or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the Town.
- G) Site Plan and Subdivision Approvals. An approved SPA Overlay District project, and the location of any uses thereon, is subject to site plan and/or subdivision approvals by the Planning Board after Town Board approval of the SPA Overlay District zoning amendment. Such review and approval shall be conducted in accordance with Sections 480-487 inclusive, of this Chapter, and the Town Subdivision Regulations, as applicable.



- a) Conformity with district designation required. The Planning Board shall not approve any site plan and/or subdivision that is not in substantial conformity with the SPA Overlay District zoning amendment adopted by the Town Board and with any conditions of such approval.
- H) Amendments. The SPA Overlay District project may, from time to time, be amended subject to approval by the Planning Board, which shall examine any proposed amendment for consistency with the Town Board's SPA Overlay District zoning amendment. Where the Planning Board determines that a proposed site plan or subdivision amendment is consistent with the Town Board's SPA Overlay District approval it may, in accordance with the standards of this Chapter and this Section, grant site plan and subdivision approval(s). Where the Planning Board determines that a proposed amendment is not consistent with the Town Board's SPA Overlay District approval it shall refer such amendment to the Town Board for further review in accordance with this Section.
- I) Procedure. The review and approval of an application for a SPA Overlay District zoning amendment shall be as follows:
- a) Town Board Review. A petition for a SPA Overlay District zoning amendment shall be submitted to the Town Board. Upon receipt of the petition, the Town Board shall notify the applicant of the place, date, and time of the meeting at which the petition is to be considered and shall refer the petition to the Planning Board and the Conservation Advisory Commission for review and recommendation. The applicant or the applicant's representatives shall be present at meetings of the Town Board at which the petition is to be considered.
- b) Planning Board review. Within sixty-two (62) days of receipt of the petition from the Town Board the Planning Board and the Conservation Advisory Commission shall each make a recommendation to the Town Board as to whether, in the opinion of each respective board, the petition supports a SPA Overlay District designation. The applicant or the applicant's representatives shall be present at the meetings of the Planning Board at which the petition is to be considered. The time for submittal of a

recommendation to the Town Board may be extended by mutual consent of the Planning Board or the Conservation Advisory Commission, as the case may be, and the applicant. Failure of the Planning Board or the Conservation Advisory Commission to provide a recommendation within the specified time, and any extension thereto, shall be deemed a recommendation to approve the petition.

- c) SEQRA review. No petition for a SPA Overlay District approval shall be complete until a lead agency is established, and a Negative Declaration has been issued or a Draft Environmental Impact Statement as been accepted as complete by the lead agency as satisfactory with respect to scope, content and adequacy.
- d) Town Board action. Within sixty-two (62) days of a complete application (i.e. petition), the Town Board shall hold a public hearing on the SPA Overlay District amendment. Notice of the public hearing shall be in accordance with Section 520 of this Chapter. Within thirty (30) days of the close of the public hearing the Town Board shall act to approve or disapprove the application. The failure of the Board to take action within 30 days of the close of the public hearing, or within such additional time period as may be agreed to between an applicant and the Town Board, shall not result, and shall not be construed to result, in a default approval of the application. The Board may, if it feels necessary to fully protect the public health, safety, and welfare of the community, attach to its approval any reasonable conditions or requirements for the applicant to meet. The decision of the Board shall be filed in the office of the Town Clerk within five (5) business days of the date such decision is rendered and a copy thereof shall be mailed to the applicant. The effective date of the Board's decision shall be in accordance with Section 540 of this Chapter.
- J) Time Limits. If a building permit for an approved SPA Overlay District project is not issued within the later of three (3) years from the date of the Town Board approval or within three (3) years from the date of Planning Board site plan and/or subdivision approval(s), the SPA Overlay District approval and any associated site plan and subdivision approvals shall be null and void and all rights and approvals and permits

therein shall terminate unless the Town Board, for good cause, authorizes an extension of the overlay district approval.

2. Article VI, Section 610 of the Town of Washington Zoning Code entitled "Definitions" is hereby amended to add new definitions as follows:

PARENT PARCEL – A parcel of land legally in existence on the effective date of this amendment.

SPA – An establishment devoted to enhancing overall well-being through a variety of professional services that encourage the renewal of mind, body, spirit, health, and beauty through such means as therapeutic baths, exercise, meditation, equipment, massage, and relaxation.

OPEN SPACE, USABLE -- An unenclosed portion of the ground of a lot or parcel which is not devoted to driveways, access roads, or parking spaces, which is free of structures that would interfere with the functionality of the open space, and which is no less than fifteen feet in width at any point.