

# GOLDMAN ATTORNEYS PLLC

*Attorneys and Counselors at Law*

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August 22, 2024

Saratoga County Industrial Development Agency  
50 West High Street  
Ballston Spa, New York 12020  
Attention: J. Gregory Connors, President/CEO

Re: Application of Maple Avenue Development Associates LLC for financial assistance from the County of Saratoga Industrial Development Agency dated July 25, 2024 (the "IDA Application").

Dear Mr. Connors:

Please be advised this law firm represents Maple Avenue Development Associates LLC (the "Company") in connection with the above-referenced IDA Application. I write this letter to you with the request that the Agency accept this letter as an Addendum from the Company to the IDA Application. This letter is being submitted as a follow-up to the comments from the Board of Directors of the Saratoga County Industrial Development Agreement ("SCIDA") at the meeting held on August 20, 2024.

## OVERVIEW

The Project is a medical destination that serves the residents of the Town, northern Saratoga County, and neighboring parts of Warren County. Specifically, the tenant mix of the Project houses a wide cross-section of critically important medical sub-specialties. Critically important is that the Project will be majority-owned by the principals of the respective practice groups or the respective practice groups themselves. As a result, it is not expected that this Project will experience the tenant churn generally associated with developer-owned medical office buildings. Additionally, this region has experienced the transfer of developer-owned medical office buildings to national real estate investment trusts that have no local management or vested interest in delivering quality medical space to the Capital District regions. As a practice-owned medical destination, the Project is not limited to providing medical space to a single practice group, since the ownership of the Company is representative of all of the practice groups that will be housed in the Project. This format of fractional ownership of a medical building by the practice groups has been beneficial to the principals of the Company who have found that such fractional ownership is critical to the overall stability of the asset. The practice groups are vested in the quality of the management and construction since the members of the Company, as owners, are imbued with a long-term owner perspective rather than a 5- or 10-year leasehold presence. The principals of the Company have found this ownership format beneficial to the practice groups and hence patient care over the long run.

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## **ANSWER TO SPECIFIC QUESTIONS AND ADDITIONAL INFORMATION**

- 1) Section II, Question H. The Project will provide access to high-quality medical services for the residents of the Town and the northern Saratoga County area, which is currently inadequately provided for and underserved by any comparable facility. The Project will predominantly provide medical services to the general public, with a minimal amount of ancillary sale of goods to the members of the public that will visit the Project. As a result, the Company completed the Retail Questionnaire contained in Section III of the Application.
  
- 2) Section II, Question O. The Project will result in the provision of high-quality medical services, as it will include an eight (8) bay ambulatory surgery center (“ASC”). Any relocation of a practice to the Project will involve a necessary expansion of the Tenant practice group in the Northern Saratoga County area because their present locations are too small and do not allow for the hiring of additional physicians and staff. This expansion will enable the practice groups to provide more services. Furthermore, the Project aligns with the modern trend in the delivery of medical services, which is to bring facilities closer to patients, thereby increasing access to quality medical care.

The relocation of OrthoNY from its locations at 5 Care Lane and 2388 Rt 9 (Malta) is reasonably necessary to preserve its competitive position due to size constraints and the lack of proximate access to an ASC. Most modern orthopedic practices have physician offices located in the same building or campus as the ASC, which makes the delivery of medical services and surgical procedures easier and more convenient for both patients and the practice group. Importantly, if the medical office for any surgical physician practice is not located directly proximate to an ASC, the physician is left with idle time following a procedure. With the ASC in the Project located proximate to the OrthoNY suite, physicians can see patients in the building between procedures, which improves the delivery of health care services to patients. OrthoNY will remain in its present locations at 1768 Rt 9 (Clifton Park) and 10 Maxwell Drive (Clifton Park), where they will continue to provide services to the southern Saratoga County area.

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The following table sets forth the presence of the respective Tenant practice groups in Saratoga County:

<b>Practice Group</b>	<b>Present Location in Saratoga County</b>	<b>Reason for Relocation</b>
Albany ENT & Allergy Services	1785 Route 9, Suite 201, Clifton Park, NY 12065	This expansion to a new office will provide services to Northern Saratoga County without impacting the Clifton Park office, which will remain fully operational. Approximately 20% of the patient base is from Saratoga County, and that number is expected to increase.
OrthoNY	5 Care Lane, Saratoga Springs  2388 Rt 9, Malta  1768 Rt 9, Clifton Park  16 Maxwell Drive, Clifton Park	5 Care Lane and 2388 Rt 9 are at the end of their useful lives, are too small, do not fill the current needs of OrthoNY, and do not have an ASC. As a result of the space limitations at 5 Care and 2388, OrthoNY is limited on the number of providers and needs more space to preserve its ability to hire additional providers that will allow for an increase in patient access to critical orthopedic care. The relocation proximate to the ASC within the Project is needed to preserve the competitive position of OrthoNY and will provide better access for the patients who would have to go to the hospital and wait or go to Malta. OrthoNY needs a second ASC for the delivery of surgical procedures to patients in the Town and Northern Saratoga County area since there is no ASC in

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		that immediate area. 1768 Rt 9 and 16 Maxwell Drive are located in Southern Saratoga County and will remain fully operational.
Eyes NY	658 Malta Ave, Ballston Spa 1712 Rt 9, Clifton Park 414 Maple Ave, Saratoga Springs 135 North Road, Wilton	The Tenant is expanding operations in Wilton and has decided to not relocate to the Glens Falls area as originally planned. This expansion is necessary for their competitive position since they will have a 4-bay ambulatory surgery center for their practice group which improves access to the delivery of care. The ASC that the Tenant uses at 135 North Road is owned by Glens Falls Hospital and is used by other practice groups beyond the Tenant. In addition, this space is too small since the Tenant has the need for a larger ASC with 4 bays to satisfy the increase in the demand for its services. The occupancy right of the practice group to the 135 North Road facility expires in 2027 and would not have been renewed by the Tenant because of the limited surgical space. Finally, Glens Falls Hospital will presumably continue its use as an ASC since the replication of that space is expensive. The Tenant has approximately 25% of its patient base from Saratoga County and that is expected to increase by an additional 15%. All other Saratoga County locations will remain unchanged and will continue

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		to run in addition to the new space.
Saratoga-Schenectady Gastroenterology Associates	1 West Avenue, Saratoga Springs  848 State Route 50, Burnt Hills	The Tenant does not currently have a location in the Northern Saratoga County area, so this represents an expansion. The Tenant currently operates out of two locations in Saratoga County: Burnt Hills and the City of Saratoga. Currently, the practice group has a wait time of over 4 months for visits. Ultimately, the 1 West ave location will close. The Tenant occupancy in the Project will allow them to increase from 5 providers at 1 West Ave to 10 providers at 612 Maple. As a result, the Tenant is doubling their footprint and aiming to reduce wait times. The 848 Rt50 location will remain open.
Capital Cardiology Associates	34 Congress Street, Saratoga Springs  1785 Rt 9, Clifton Park	This expansion to a new office will provide services to the Northern Saratoga County area and its residents, without impacting the Clifton Park office, which will remain fully operational. The facility in the City of Saratoga is a small location that was formerly a radio station. The tenant signed a month-to-month lease at Congress Plaza in November 2023 as a temporary measure while planning their expansion into Northern Saratoga County.

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3) Section III, Question B(2). The predominant purpose of the Project is to create a medical campus that provides various sub-specialty medical services, which are not currently available to the residents of the Town of Wilton and the surrounding Northern Saratoga County area at the scale made possible by the Project. The answer to the question is Yes. Additional justification is provided by the rationale and determinations set forth in the Saratoga County Community Health Assessment Survey from 2022, which supports the need for the Project. The following is further documentation listing the services that will be provided in the Project and are not reasonably accessible within the Town.

- a) OrthoNY ASC - Nearest ASC is at Exit 12 in Malta
- b) OrthoNY Clinical
  - The Bone & Joint Center: Clifton Park
  - Saratoga Spine: 31 Myrtle Street, Saratoga Springs – a single provider with main location in Plattsburgh NY
  
- c) OrthoNY Physical Therapy
  - Capital Area PT & Wellness: Malta / Saratoga Springs
  - Clifton Park Physical Therapy: Clifton Park
  - Core Physical Therapy: Clifton Park
  - Integrative Physical Therapy: Clifton Park
  - Saratoga Physical Therapy Associates: Malta / Saratoga Springs
  - Regional Therapy Center at The Springs: Saratoga Springs
  - Resolute Physical Therapy: Halfmoon
  - Thomas Nicolla PT Associates: Clifton Park
  
- d) ENT and Allergy Services
  - ENT – Saratoga Hospital: 3050 Route 50, Saratoga Springs
  - Allergy Services
    - Saratoga Hospital: 3050 Route 50, Saratoga Springs
    - Certified Allergy: 7 Emma Lane, Clifton Park
    - Adirondack Allergy: Single provider at 414 Maple Ave, Saratoga Springs
  
- e) Gastroenterology Services
  - Little to no competition in Northern Saratoga County
  - Albany Gastroenterology Associates: 1785 Rt 9, Clifton Park
  
- f) Cardiology Services
  - St. Peters Cardiology: 6 Care Lane, Saratoga Springs
  - Saratoga Hospital Group: 254 Church Steet, Saratoga Springs.

The current wait times at these practices are 5-7 months. Most importantly, neither practice offers urgent or same-day services, which would provide access to critical care for heart conditions – services that are not available outside of a hospital setting.

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- g) Ophthalmology ASC Services
  - Saratoga Hospital: 3050 Route 50, Saratoga Springs
  - The NY Eye Surgical Center: 135 North Road, Wilton
  
- h) Ophthalmology Clinical Services
  - Saratoga Hospital: 3050 Route 50, Saratoga Springs
  - Dr. Jeffery T. Paul: 414 Maple Ave, Saratoga Springs
  - Albany Med: 1783 Rt 9, Clifton Park

Should you have any questions or comments, please do not hesitate to call.

Very truly yours,

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Paul J. Goldman

PJG/am