



State of New Jersey
DEPARTMENT OF HEALTH
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www.nj.gov/health

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

SHEREEF M. ELNAHAL, MD, MBA
Acting Commissioner

February 27, 2018

VIA ELECTRONIC & FIRST CLASS MAIL

Ronak D. Shah
Managing Member, EW Acquisition, LLC
c/o Flagship Properties LLC
One World Trade Center, Suite 8500
New York, NY 10007

Re: CN# ER 080904-11-37 E/T
Seasons at East Windsor
Total Project Cost: \$10,000,000
Expiration Date: December 31, 2018

Dear Mr. Shah:

Please be advised that I am approving the application of EW Acquisition LLC, submitted on December 27, 2017, pursuant to N.J.A.C. 8:33-5.1(a)6, for a 12-month extension of time for the above referenced certificate of need (CN), which will now expire on December 31, 2018. As you are aware, the original CN, granted on January 27, 2009, for the establishment of a 150-bed Assisted Living residence at 359 Princeton-Hightstown Road in East Windsor, Mercer County, was due to expire on January 27, 2014. This was extended by the Permit Extension Act of 2008 (Act), P.L. 2008, c. 78, as amended by P.L. 2009, c. 336, P.L. 2012, c. 48, and P.L. 2014, c. 84. The Act was signed on September 6, 2008, and provided that, for a CN specific development in existence during the period of January 1, 2007 through July 1, 2010, the running period of the approval is automatically suspended for the extension period through July 1, 2010. Amendments to the Act extended the expiration date of the Act through December 31, 2012 and December 31, 2015, respectively. Pursuant to the Act as amended, and including the time tolled under the Act, the expiration of CN# ER 080904-11-37 was extended through June 30, 2016. In June of 2016, after demonstrating a need for additional time, this CN was extended once again, until December 31, 2017.

My decision to approve this application is based on your representation that the project, originally intended to be completed within the approved time period, has been delayed due to the need to secure easements for the extension of water and sewer lines to the facility. As of today, easement agreements have been reached with adjacent property owners, design of the water and sewer lines has been completed, you

have received approvals by the East Windsor Municipal Utilities Authority and the N.J. Department of Environmental Protection (for off-site sewer easements), and approximately 70 percent of the off-site easement construction has been completed. You are currently waiting on final approval for water easement work by the N.J. Department of Environmental Protection, which will allow you to complete all necessary off-site infrastructure work.

The total project cost originally estimated at \$10,000,000 remains the same. Please be advised that this approval is limited to the proposal as presented and reviewed. An additional review by the Department of Health (Department) may be necessary if there is any change in scope as defined in N.J.A.C. 8:33-3.9. However, in accordance with N.J.A.C. 8:33-3.9(a) 1-3, a change of cost of an approved CN is exempt from review but subject to the following:

1. The applicant shall file a signed certification as to the final total project cost expended for the project at the time of the application for license for the beds/services with the Certificate of Need and Healthcare Facility Licensure Program.
2. Where the actual total project cost exceeds the CN approved total project cost and is greater than \$1,000,000, the applicant shall remit the additional CN application fee due. The required additional fee shall be 0.25 percent of the total project cost in excess of the CN approved total project cost.
3. The Department will not issue a license for the beds/services until the additional fee is remitted in full.

This approval is not intended to preempt in any way any municipality's authority to regulate land use within its borders and shall not be used by you to represent that the Department has made any findings or determination relative to the use of any specific property. Please be advised that services may not commence until a license has been issued by the Certificate of Need and Healthcare Facility Licensure Program.

Any approval granted by this Department relates to CN and/or licensing requirements only and does not imply acceptance by a reimbursing entity. Issues involving reimbursement are solely between the facility and the third-party payer. The Department is neither a party to such matters nor an arbiter of disputes between the parties.

The Department, in approving this application, has relied solely on the facts and information presented to us. The Department offers no opinion as to whether the proposed ownership or business organization is in compliance with the Codey Act, Board of Medical Examiners administrative rules, or federal anti-referral (Stark) and

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anti-kickback laws. We have not undertaken an independent investigation of such information. If material facts have not been disclosed or have been misrepresented, the department may take appropriate administrative regulatory action to rescind the approval or refer the matter to the Office of the N.J. Attorney General.

We look forward to working with you and helping you to provide a high quality of care to your residents. If you have any questions concerning this matter, please do not hesitate to telephone Mr. John A. Calabria, Director, Certificate of Need and Healthcare Facility Licensure Program, at (609) 292-8773.

Sincerely,

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

Marcela Ospina Maziarz, MPA
Deputy Commissioner
Health Systems

cc: J. Calabria