

CHARLESTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

DECISION AND ORDER

**Application of Seven Star Pharmaceutical, LLC
For Conditional Use Approval**

January 3, 2023

I. INTRODUCTION

Seven Star Pharmaceutical, LLC (the “Applicant”) filed an application for conditional use approval pursuant to Section 27-1002.1.A(3)(f) of the Charlestown Township Zoning Ordinance (“Zoning Ordinance”) to permit a Laboratory for Scientific Research and Development. The use is proposed within of an existing building located on the property at 3222 Phoenixville Pike, Malvern PA 19355 (the “Property”). The Property, identified as tax parcel 35-4-106, is located in the I/O Industrial/Office District and is improved with an existing multi-tenant office building. The Applicant is proposing to lease a 4,000 square foot space within the building to be used for a Laboratory for scientific research (the “Laboratory”).

A public hearing on the Applicant’s conditional use application was commenced on November 7, 2022 and continued to December 5, 2022, with public notice properly provided. David McFadden, Esquire, represented the Applicant at the hearing. Reddy Perumalla, the owner the Applicant testified at the hearing in support of the application.

II. DISCUSSION

Section 27-1002.1.A(3)(f) of the Zoning Ordinance governing uses in the Neighborhood Commercial NC-2 District provides in relevant part as follows:

§ 27-1002 Use Regulations.

1. A building or other structure may be erected, altered, or used, and a lot may be used and/or occupied subject to Parts 11 and 12, for the following:

A. Industrial/Office (I/O) District

(3) Conditional Uses. (Refer to Section 27-1809

(f) Laboratory for scientific research and development.

Section 27-202 of the Zoning Ordinance defines the term “Laboratory For Scientific Research And Development” as follows:

A building or group of buildings in which are located the facilities for scientific research, investigation, testing and experimentation, but not including the manufacture of products for sale.”

A conditional use is a form of permitted use. *Pennridge Development Enterprises, Inc. v. Volovnik*, 624 A.2d 674 (Pa. Cmwlth. 1993). The fact that a use is permitted as a conditional use evidences a legislative decision that the particular type of use is not adverse to the public interest *per se*. *Vision Quest National Ltd. v. Board of Supervisors of Honeybrook Township*, 169 A.2d 915 (Pa. 1990). A conditional use applicant must demonstrate that it is entitled to a conditional use by establishing compliance with the specific objective criteria for the use detailed in the zoning ordinance. *Bray v. Zoning Board of Adjustment*, 410 A.2d 909 (Pa. Cmwlth. 1980).

In this case, Section 27-1809 of the Zoning Ordinance sets forth the general standards for consideration relative to the grant of a conditional use approval. The Applicant presented sufficient testimony and evidence at the hearing for the Board to determine that the proposed Laboratory use complies with those standards and the Applicant's proposed use is permitted by Charlestown Township.

III. FINDINGS OF FACT

1. The Property that is the subject of the application is located 3222 Phoenixville Pike and is owned by 3222 Phoenixville Pike Owner, LLC.

2. The Property consists of 45 acres located on the south side of Phoenixville Pike and is improved with a 202,104 square foot building utilized as flex space along with 723 parking spaces.

3. The uses surrounding the Property consist of a variety of commercial uses, including a woodland and a vacant commercial lot directly to the east, an office use to the west and the turnpike to the north.

4. There are other similar uses in the building including Potters Industries, LLC, an approved Laboratory for scientific research and development, Flamma USA, Janssen Pharmaceutical R&D, Venatorx Pharmaceuticals and BioPharmaSpec, having laboratory components.

5. The Applicant is proposing to convert 4000 square feet of the interior of the office building to lab space.

6. No changes to the exterior of the Property are proposed as part of the application.

7. The Applicant is proposing to construct laboratory space in the building and use smaller amount of chemicals as part of the use.

8. The proposed Laboratory would have no exterior noise associated with the use and any air or waste water discharges and hazardous substances would comply with all applicable environmental permitting by the Pennsylvania Department of Environmental Protection.

9. The Laboratory would operate on a regular work day business hours.

10. The proposed Laboratory use would have similar impact as an office space with respect to wastewater and electric usage.

11. The proposed Laboratory use would have no measurable impact on public services, utilities and surrounding properties.

12. The proposed Laboratory use would have the same traffic impact as the office use.

IV. CONCLUSIONS OF LAW

1. The Applicant has standing.

2. The Applicant has satisfied the standards set forth in 27-1809 of the Zoning Ordinance for conditional use approval.

V. DECISION AND ORDER

AND NOW, this 3rd day of January, 2023, upon consideration of the testimony and exhibits presented, it is ORDERED that the Applicant, Seven Star Pharmaceutical, LLC, is granted conditional use approval pursuant to Section 27-1002.1.A(3)(f) of the Charlestown Township Zoning Ordinance to permit a Laboratory for Scientific Research and Development use within the existing building located on the Property at 3222 Phoenixville Pike subject to the following conditions.

1. The proposed use is limited to a Laboratory for Scientific Research and Development and shall be subject to compliance with all terms and provisions of the Zoning Ordinance, and all other Township Ordinances and regulations, and in addition to the regulations of all other government agencies having jurisdiction over the use.

2. The scope of this approval is limited to the requested use as shown on the Applicant's Plan attached to the Application and representations made by the Applicant as part of the record at the public hearing.

3. The Applicant shall comply with all exhibits, representations, and record evidence, which are incorporated herein as part of this approval.

4. The Applicant shall provide a list of all permits and approvals required for the proposed Laboratory for Research and Development use by any state or federal agency having jurisdiction over such laboratory use.

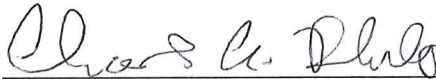
5. The Applicant shall provide full and complete plans for disposition of all waste from the Property, including air, liquid, and solid waste and any permits that may be necessary for disposition of such waste. In particular, the Applicant shall provide approval from the Valley Forge Sewer Authority for any waste disposed of in the public sewer system.

6. The Applicant shall express to the Board in writing within fourteen (14) days of the date of this Decision and Order, their agreement to the above conditions.

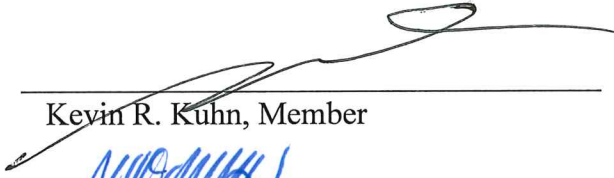
BOARD OF SUPERVISORS
CHARLESTOWN TOWNSHIP



Frank Piliero, Chairman



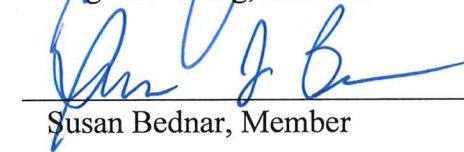
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