

STATE OF NEW YORK  
SUPREME COURT                      COUNTY OF MONROE

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In the Matter of  
BRIGHTON RESIDENTS AGAINST VIOLENCE TO  
EVERYONE, INC., ROC LOVE, INC.,  
CAROL N. CROSSED, ELLEN DUNCAN, and  
WILLIAM MCGINN,

Plaintiffs-Petitioners,

**AFFIDAVIT IN SUPPORT OF  
MOTION FOR LEAVE  
TO ADD PARTIES PURSUANT  
TO CPLR 401 AND TO AMEND  
PLEADING PURSUANT TO  
CPLR 1003**

-v-

PLANNING BOARD OF THE TOWN OF BRIGHTON,  
And KENNETH W. GORDON, in his capacity as  
TOWN ATTORNEY FOR THE TOWN OF BRIGHTON, and  
WESTFALL MEDICAL REALTY, LLC

Defendants-Respondents,

For Relief Pursuant to CPLR Article 78 and  
for Declaratory Judgment Relief Pursuant to CPLR 3001

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CLIANDA YARDE, being duly sworn, deposes and says:

1. I am a resident of the larger Rochester community, and the sole living parent of Ian McQuaid, an African American child who attends the McQuaid Jesuit Preparatory School located in the immediate vicinity of the Project which is the subject of this action-proceeding.
2. I am seeking to be added as a Plaintiff-Petitioner to this action because, as a parent of a child who is within the vicinity of the Project on a daily basis, my child and I will suffer

an injury from this Project which is distinct and separate from those injuries suffered by the other Plaintiffs-Petitioners.

3. I am the proud daughter and granddaughter of two civil rights icons and ministers, Rev. Franklin D. Florence and Rev. Clifford Florence, and therefore I am well aware of the needs and challenges which face the minority community. I have been personally active in advocating for the needs of the minority community.
4. However, what the minority community does *not* need is this Project.
5. My husband, the father of Ian, was murdered when my child was just 7 years old. As a single mother, I have been striving to ensure that my son is raised with positive role models and in an environment in which he learns how to be a good man and a tribute to his minority community. Being economically challenged as a single parent, I cannot afford to live in some of the more affluent communities in which my son could have such role models, but I could and did manage to save enough money to send my son to a private Catholic school in which he could have such positive influences.
6. I deliberately enrolled Ian in the McQuaid Jesuit Preparatory School because I wanted him to be in a more suburban atmosphere, away from the crime and violence and negativity of the urban center of Rochester in which life is cheap and giving in to animalistic impulses of “doing what feels good without thought of consequences” is all too common. I well

know how that way of life can be a trap for so many young men of color, and I do not want that for my son.

7. I have been a teacher for over sixteen years, and I am concerned about the impacts of this Project on my son, and the other children, who attend the McQuaid School.
8. Abortion facilities such as the one at issue in this action-proceeding do not serve the community, and particularly the minority community, well in the long term. Women are often in emotional distress when they come to these centers. Sex traffickers consider these facilities a necessary part of their trade, and they bring their emotionally distressed sex workers to these clinics for a quick abortion to “get them back to work”. These same traffickers then proceed to loiter outside, often shouting and honking lewd comments and making lewd gestures at the pro-life protesters. I have personally observed this behavior at the Planned Parenthood facility near the University of Rochester. I was hoping to get my son away from that kind of environment.
9. I have concerns about the impact upon the McQuaid students from such activities and the clientele which such facilities often draw. From my experience, as both a civil rights and community leader and a mother, there is often little difference between the secondary effects of a porn shop on a community and the secondary effects of an abortion clinic frequented by sex traffickers on a community.
10. Although both might be protected activities, a Town can mitigate the secondary effects of those activities upon other sensitive uses and neighborhoods within the Town, which is

presumably the reason that the Town of Brighton adopted language in its Code requiring the Planning Board to consider the impact of a proposed site plan application upon the existing surrounding uses.

11. The secondary effects of this Project, *i.e.* its impacts upon the community character and neighboring properties, were not considered at all by the Planning Board, though, for several reasons.
  
12. First, community input by parents such as me was wholly absent because of the secretive, non-transparent process in which the Project was identified as demolition and construction of a medical facility “of the same type” as previously existed at the site. However, the prior use was a physical therapist, which is distinctly different in type and clientele than the Planned Parenthood abortion clinic use now sought to occur there.
  
13. Because Planned Parenthood was not the applicant, nor even a disclosed interested party/tenant in the application, the Public Notice issued by the Town did not include any information which would have allowed concerned and interested persons such as me and the other McQuaid School parents to become involved in the public hearing and approval process.
  
14. It is my understanding that only at the public hearings themselves was it disclosed (and not by the applicant) that there was a Planned Parenthood facility planned for that location. However, any discussion of its impacts to the community in terms of community

character, waste disposal, traffic, sidewalk access, demands on police resources, etc., i.e. SEQR and site plan approval criteria, was promptly shut down by the Town Attorney who advised the Planning Board that they could not consider the very types of questions that they would ask of every other site plan approval applicant within the Town, and which should definitely have been asked in this instance.

15. If the proposed Project were a cigar shop or a marijuana shop, would the close proximity to the McQuaid school not have been raised as a potential issue in the SEQR and site plan approval process even though the shop might have “fit the zoning”? The fact that the facility offers a medical or surgical abortion, rather than a cigarette or bag of weed, does not change the fact that the use can have secondary detrimental impacts to the larger community and especially upon sensitive uses within the immediately surrounding areas, such as schools, mosques and playgrounds.
16. Notably, the Project is located within a neighborhood in which all of those sensitive uses are present, some almost immediately adjacent to the Project.
17. Because of the lack of transparency of the applicant and the Town, as well as the improper comments and directives of the Town Attorney, this Project was not given the “hard look” required by SEQR and the Town of Brighton Code.
18. Because of the lack of transparency in the entire process, combined with the extremely short 30-day window in which as proceeding to challenge the site plan approval had to be commenced, I was not aware of the approval or the lawsuit in time to be included as an original party.

19. I do want to have my voice--as a mother of a child immediately and distinctly impacted by the Project, as a leader and member of a minority community who suffers more loss of life from abortions than any other demographic group, and as a taxpaying citizen of the larger Rochester community impacted by the unique environmental issues posed by this Project, heard in a way not permitted by the process had to date.

20. I therefore respectfully request that the Court grant leave for me to be added as a Plaintiff-Petitioner in this action-proceeding.

Dated: December 14, 2021

*Clinda Yarde*  
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CLIANDA YARDE

Sworn to before me this  
\_\_\_ day of December, 2021.

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Notary Public