

STATE OF NEW YORK  
SUPREME COURT                      COUNTY OF MONROE

---

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

---

LYNN HOWLETT, being duly sworn, deposes and says:

1. I am a long term resident of the Town of Brighton, and the parent of a minor 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 existing Plaintiffs-Petitioners.

3. I also ask that the Court recognize my status as a New York citizen and resident who has constitutional rights to clean water as guaranteed by the recently passed Proposition #2 that are violated by the Project's impacts upon the Town's wastewater treatment system.
4. It is my understanding that the Project will be issuing "medical abortions" in which women will be given two different pills to terminate their pregnancies, and then to expel the fetuses from their bodies.
5. Online guidance by Planned Parenthood advises women to "sit on the toilet" while that process is occurring, with the presumed intention of having the fetus exit the body and be flushed down the toilet, i.e. having human body parts enter the sewage treatment systems of the Town of Brighton and neighboring communities.
6. Although I am aware of the relatively small size of the fetus at the stage that a medical abortion can be performed, it is exactly that small size that poses the greater danger to wastewater treatment system because it is too small to be caught by the screening that would normally catch a dead animal or larger section of human tissue.
7. If, in a given day, twenty such fetuses are flushed into the Town's wastewater treatment systems, it would be the equivalent of a shredded forearm or foot being passed through the system—small enough not to be screened out but cumulatively representing a sizeable amount of human body parts.

8. Upon information and belief, the wastewater treatment system of the Town of Brighton is not designed to handle such waste, and it would likely not be broken down into components such that it could be 1) safely disposed of solid waste sludge (which is highly regulated and does not permit disposal of human remains) or 2) treated water (which also does not allow for the presence of human remains).
9. That concern is without regard to the question of whether the fetal-expulsion medication itself would pass directly into the wastewater treatment system, in a manner akin to flushing prescription pills down the drain which has been raised specifically as a heightened concern in the treatment of wastewater.
10. There are valid environmental issues to be considered with respect to the impacts to our wastewater treatment system and, ultimately, our water resources, by the kinds of activities that will be undertaken at the Project, and within the Brighton community as a result of the Project.
11. These issues were not even considered or discussed by the Town of Brighton Planning Board, even though they are environmental concerns which should have been given a “hard look” by the Planning Board as lead agency under SEQR.
12. I was deprived of the opportunity to raise these issues by the failure of the Planning Board and applicant to provide enough information so that the notice of public hearing would have put me on notice of the proposed use of the newly constructed Project.

13. Similarly, the impacts of the Project upon the neighboring uses, including the McQuaid Jesuit Preparatory School attended by my son, were not considered by the Planning Board even though the Town of Brighton Code requires the Planning Board to do exactly that.

The Brighton Town Code, Article III Planning Board, at § 217-8 states:

***The purpose of site plan approval is to determine compliance with the objectives of this article in zoning districts where inappropriate development may cause a conflict between uses in the same or adjoining zoning district by creating unhealthful and unsafe conditions and thereby adversely affect the public health, safety and general welfare.***

14. Abortion facilities such as the one at issue in this action-proceeding are not compatible uses with Catholic schools, playgrounds, mosques, and pediatrician offices because abortion clinics, unlike other medical facilities, tend to attract unsavory elements like sex traffickers into communities which should not be subjected to them any more than they should be subjected to those elements who frequent adult uses.

15. It has long been accepted that adult uses can be prohibited from areas in which schools and other community facilities are present because of their deleterious secondary effects on such sensitive areas. It is respectfully submitted that the abortion clinics tend to attract a similar community disamenity in terms of the draw to sex traffickers, who should not be loitering around schools, mosques, playgrounds and pediatrician offices.

16. I have concerns about the impact upon the McQuaid students, like my son, from such activities and the clientele which such facilities often draw.

17. 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.

18. Because of the lack of transparency in the entire process with Planned Parenthood not even being named as the applicant or tenant or use, 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 heard on this Project--as a mother of a child immediately and distinctly impacted by the Project, as a citizen of New York State with a newly recognized Constitutional right to clean water under Proposition #2 from the most recent election, and also as a resident of Brighton and to have my Town's wastewater facility remain free from regulated medical waste.

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



---

LYNN HOWLETT

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

---

Notary Public