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NY Town Enacts Tough Cell Tower Limits



By FRANK ELTMAN Associated Press Writer
GARDEN CITY, N.Y. September 23, 2010 (AP)

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A Long Island township has imposed restrictions on the placement of new cell towers that are among the toughest in the country, and one phone company says it effectively bans new construction.

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The town of Hempstead is a notable example on a list of municipalities tightening rules on where cell phone companies can place antennas. The moves come as consumers are demanding blanket wireless coverage for their phones and buying laptops and, more recently, tablet computers that also rely on cell towers.

Despite a 1996 federal law prohibiting municipalities from considering health issues in approving locations for cell antennas, a group of mothers concerned about what they consider risky cell towers outside their children's schools successfully lobbied the town of Hempstead.

"Our position is we want to be more proactive," said Jody Turk-Goldberg, co-founder of a civic group called "Moms of Merrick," which discounts pronouncements by groups like the American Cancer Society that conclude there is scant evidence that cell towers are a health hazard.

"We saw what the tobacco companies did years ago; everybody said smoking was safe," she added.



AP

In this file photo taken July 16, 2008,... [View Full Caption](#)

The ordinance passed unanimously this week by the Hempstead town board prohibits wireless companies from installing equipment closer than 1,500 feet to homes, day care centers, schools and houses of worship, unless they submit compelling evidence that there is an absolute need. Hempstead, home to America's first suburban community — Levittown — is a densely populated township just east of New York City.

While the town board adhered to FCC regulations to not consider possible health effects, officials instead described the vote as a quality of life issue.

The ordinance provides "real protection against the siting of cell towers and antennae in locations that would adversely impact home values or the character of local neighborhoods," said Kate Murray, supervisor of the Long

Island town; the country's largest, with a population of approximately 759,000.

The town has also hired Richard Comi of the Center for Municipal Solutions as a consultant to review applications of cellular companies seeking to install new antennas or towers. Comi's company advises municipalities in 32 states on cell tower regulations, he said.



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"Because of the volume and continued growth of cellular devices, all of the 'easy places' to locate antennae and cell towers are gone," Comi said. "The issue is they are having to penetrate residential areas now and that leads to concerns of aesthetics and home values."

Among other municipalities taking action on cell towers, the city of Bend, Ore., is considering restrictions on the size and location of cell phone towers that may keep them out of residential areas and off historic buildings. A proposed city ordinance would ban poles and towers that soar above building tops and tree lines in low and standard density residential areas.

There would also be restrictions on camouflaged towers, like the ones designed to mimic trees, to make sure they don't stick out in their surroundings.

But not all the momentum is against the cell companies.

In Mount Vernon, N.Y., a federal court ruled recently that the city had violated both federal and state law in its review of an application by MetroPCS Communications Inc. to put antennas on a rooftop, and ordered the installation to proceed.

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