

NY town enacts tough cell tower limits

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(AP) -- 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.

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.

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.

"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.

"It's easy for people to say they want better cell service," said Turk-Goldberg. "Every single mom we have spoken to uses cell phones, they all have good service. The question is how many towers do we need? They have invaded us with tons of towers; they're all over the place. We just don't want our children exposed."

David Samberg, a spokesman for Verizon Wireless, said his company has encountered opposition to cell towers in virtually every municipality around the country.

"It's not unheard of for towns to have issues, but this is extreme," he said, contending that the Hempstead regulations effectively would shut out 95 percent of the town to future antenna construction. "Every place you go it's the same questions. It usually starts with health effects, then they go to the question of real estate values," Samberg said.

Fewer choices for cell sites forces phone companies to pay more for the remaining options, and settle for places that don't help coverage as much. Even where there is coverage, phone companies sometimes add towers to boost calling and data capacity.

The phones and the radiation they emit are subject to suspicion as well: San Francisco legislators this summer passed an ordinance that requires phone stores to post the radiation values of different models, starting next year. The wireless industry association has sued the city in return, saying the radiation values are irrelevant to shoppers, as long as they're

under the legal limit set by the FCC.

Attorney Andrew Campanelli, who represents the "Merrick Moms" and groups in other communities opposing cell towers, says safety questions persist about cell phone towers, especially near schools.

He said in Bayville, N.Y., five children who attended school 50 feet from cell antennas on a water tower have been diagnosed with cancer or leukemia and three have died. "I am not prepared to produce experts that there is a direct correlation, but it's frightening," he said. "The moms say err on the side of caution."

An American Cancer Society website Q&A addresses the issue this way:

"Some people have expressed concern that living, working, or going to school near a cell phone tower might increase the risk of cancer or other health problems. At this time, there is very little evidence to support this idea."

Joe Baker, president of another Merrick civic association, said many residents in his community remain dubious.

"The bottom line is that the perception does exist; there's a fear that exists," he said. "I'd also say that it's probably only a matter of time before science finds an alternative to these cell towers. Whether it's satellite or otherwise, in time it will resolve itself."

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