

COMMUNITY BOARD 11 QUEENS

Ad-Hoc Committee on Cell Phone Antennas and Towers October 31, 2008 Meeting Notes Prepared by Laura James, Co-Chair Consumer Affairs Committee

A meeting of the Ad-Hoc Committee on Cell Phone Antennas and Towers was held on October 31, 2008 at the CB 11 offices. In attendance were: Laura James, Committee Co-Chair, Steve Newman, Chair, Dennis Novick, Janet McEneaney, Henry Euler, Jerry Iannece, Christine Haider, Mamie Smith and Susan Seinfeld, District Manager. Terry Pouymari from Auburndale Improvement Association attended. Anthony Iuliano, a representative from the Department of Buildings, Nicholas Sbordone and Brett Sikoff from the NYC Department of Information, Technology and Telecommunications (DoITT) attended to discuss the issue.

The Committee met with two members of the Department of Information Technology and Telecommunications (DoITT). They informed the committee that there are four major telecommunications companies that erect the large cell phone towers - Verizon, Sprint, T-Mobile and Nextel. According to the Department of Buildings representative, free-standing monopoles are held accountable to the sky exposure plane rule and to F.A.R. rules if they are on a rooftop. The DOB lists all antenna permits on their website.

Under Federal Communications Commission (FCC) law, the city cannot restrict placement of cell phone towers; the only recourse available to communities is either land use restriction or zoning. Currently, there is a petition submitted by the Wireless Telecommunications Bureau under consideration at the FCC to remove even these options from local control, thus putting the placement of cell phone towers under total federal control.

DoITT has a franchise with NextG and six other companies to use alternate technology, installing smaller boxes on existing utility poles, with a four foot antenna on top of the pole. This is possible because the owners of utility poles are required to make them available for such use under the Pole Attachment Act, which is part of the 1996 Telecommunications Act. Because these devices are smaller they have lower emissions and are less conspicuous, but are correspondingly less powerful and are therefore spaced more frequently in order to be effective.

One of the committee members informed the group that the city of Seattle regards cell phones as a utility, comparable to electricity and land line telephones, and that legislation had been drafted to restrict cell antennas. (Through subsequent contact with the Seattle mayor's office, the District Manager learned that the legislation did not pass. The Mayor's office provided a list of the rules Seattle uses, which were circulated to the committee members and are also on file at the Community Board 11 office.)

The committee agreed to investigate the possibility of a single-company franchise to install towers that all cell-phone providers would use, and to oppose legislation that would remove zoning and land use restrictions as ways to counter the placement of towers.

Addendum:

At the Board Meeting on November 6th Congressman Weiner informed us that in Western Europe and Israel the single company franchise is used. Susan Seinfeld also has requested his office to follow up on the FCC notice regarding the local review of wireless facility siting applications. Susan spoke to his representative on November 18th.