

# Victory for Flower Hill, New York in Stopping Placement of 18 Small Cell Antennas in Their Village

[Victory for Flower Hill, New York in Stopping Placement of 18 Small Cell Antennas in Their Village](#)



Flower Hill Village Hall, Flower Hill, NY. Image credit: [LINYperson615](#)

**Victory in Flower Hill, NY!**

## ***Judge says village's denial of small cell applications was legal and reasonable.***

by [Americans for Responsible Technology](#)

sourced from Americans for Responsible Technology newsletter

August 21, 2022

In a landmark legal decision, Judge Frederic Block, Senior United States District Judge for the Eastern District of New York, found that the Village of Flower Hill, NY, was justified in denying the application of ExteNet (acting as an agent for Verizon Wireless) to place 18 small cell antennas in the Village.

The Judge quoted from the 1996 Telecommunications Act, citing the provision that *"nothing in this chapter shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of persona wireless service facilities"*.

He noted that other courts have found the Act to be *"in many important respects a model of ambiguity or indeed even self-contradiction"*. Nevertheless, he reasoned, a plain reading of the text supports the claim by the Village that it has acted legally.

Most importantly, the Judge ruled that the provisions of the 1996 Act **do not necessarily apply to the new uses of wireless to provide broadband and other services**. *"Improved capacity and speed are desirable (and, no doubt, profitable) goals in the age of smartphones,"* he wrote, *"but they are not protected by the Act."*

This is a Hallelujah moment for all those working to limit the reckless deployment of wireless technology into our neighborhoods and homes.

A copy of the judge's decision can be found [here](#).

To view our Municipal Code Checklist and Smart Planning Provisions for Cities and Towns, please visit our [Tool Kit](#).

## **[Connect with Americans for Responsible Technology](#)**

*cover image credit: [LINYperson615](#) / [Wikimedia Commons](#)*