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Cell Towers

Stephen Lasser · Friday, August 13th, 2010

Q: My co-op wants to place a cell tower on the common roof space next to my personal roof deck. Given that we will be feet away from antennas emitting radiation, I am very concerned for the health of my small children. How can I stop this?

A: “A co-op board of directors has broad management powers,” said Stephen Lasser, a Manhattan co-op and condominium lawyer. “And as long as a board’s actions are not in violation of its co-op’s governing documents and applicable laws, a court will not second-guess a board’s business decision.” According to Mr. Lasser, many proprietary leases specify that boards have the right to install roof antennas even if they will be adjacent to private roof space. There are no laws, he added, that would prohibit the board’s proposal based on health concerns. Therefore, he said, “there does not appear to be a legal basis to challenge the construction.” [Download PDF](#)

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