



MEMORANDUM IN OPPOSITION OF
S.7197 (Addabbo) / A.6955-A (Williams)
In relation to setback and financial requirements relating
to the siting of battery energy storage systems

June 2025

The coalition of organizations listed below **oppose S.7197 / A.6955-A**. This bill would direct the Department of Public Service to promulgate rules, regulations and model policies regarding setback requirements, financial surety, and public hearings for the siting of battery energy storage (BES) systems. Most concerningly, the bill would impose a minimum setback of no less than *one thousand feet* from residential property for commercial BES systems with a capacity of five megawatts or greater.

Energy storage is an essential technology for modernizing our electric grid, reducing pollution from fossil fuels, and achieving New York State's clean energy goals. BES systems: support renewables like wind and solar by storing excess energy for use when the sun isn't shining and the wind isn't blowing, helping New York meet its 70% renewable by 2030 target; directly reduce reliance on peaker plants, which means cleaner air and improved health outcomes; save consumers money by helping to make the grid more efficient and affordable; stabilize the grid by providing frequency and voltage regulation; and reduce risk of outages during periods of grid stress.

BES systems are safe and highly regulated. They typically incorporate the same core lithium-ion technology as the batteries that power the phones in our pockets, but at a larger scale, and with their own unique and rigorous set of safety standards, certifications and regulations. All BES systems in New York must be designed and installed in accordance with the New York State 2020 Fire Code, which adopts NFPA 855 (the national standard for BES safety) and incorporates additional expertise from bodies such as the New York City Fire Department, a national leader in BES safety in dense urban environments. Notably, BES systems in New York must be designed to: 1) prevent propagation of any fire to adjacent systems or properties, through use of firewalls, clearances, and/or setbacks, and 2) minimize the risk of personal injury in the event of an emergency. Commercial BES systems are monitored 24/7, with immediate notifications to local authorities in the event of an incident. Responding to a battery fire requires no specialized equipment beyond what is used for standard structure fires.

The setback requirements as proposed in this legislation are excessive and would severely restrict the siting of BES systems in areas that need them most. Particularly in NYC, where BES is needed most, developable land is extremely limited. A 1,000-foot setback from residential property would effectively disqualify nearly all parcels (even if otherwise zoned appropriately). This would severely constrain BES development, prolong reliance on polluting peaker plants, and delay progress toward City and State energy goals.

For the above reasons, the coalition of organizations listed below oppose this legislation. For more information contact Deb Peck Kelleher, Deputy Director of ACE NY, at (c) 518-698-3211 or Claudia Villar-Leeman, Senior Director at NY-BEST at cvillarleeman@ny-best.org.

Coalition of Organizations in Opposition:

ALLIANCE FOR CLEAN ENERGY NEW YORK
AMERICAN CLEAN POWER
NATURAL RESOURCES DEFENSE COUNCIL
NETWORK FOR A SUSTAINABLE TOMORROW
NEW YORK BATTERY AND ENERGY STORAGE TECHNOLOGY CONSORTIUM
NEW YORK COMMUNITIES FOR CHANGE
NEW YORK LEAGUE OF CONSERVATION VOTERS
NEW YORK STATE LABORERS' ORGANIZING FUND
NEW YORKERS FOR CLEAN POWER
SUSTAINABLE WESTCHESTER
WE ACT FOR ENVIRONMENTAL JUSTICE