



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

February 2026

The Alliance for Clean Energy New York (ACE NY) and the New York Battery and Energy Storage Technology Consortium (NY-BEST) oppose S.7197-A / A.6955-B. This bill would direct the Department of Public Service to promulgate regulations and model ordinances regarding setback requirements, financial surety, and public hearing for the siting of commercial battery energy storage (BES) systems. Most concerning, is the minimum setback for BES systems greater than 5 megawatts of 750 ft. from residential property and in New York City, it is lowered to 300 ft. **This bill would prevent nearly all BES systems from being built in New York City.**

Energy storage is an essential technology for lowering electric bills, modernizing our electric grid, reducing power plant pollution, and achieving NYS's clean energy goals. BES systems: support renewables by storing excess energy for use when the sun isn't shining and the wind isn't blowing; directly reduce reliance on peaker plants, with cleaner air and improved health outcomes; 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 – and unlike other energy infrastructure, have never resulted in any injuries or deaths among the more than 6,500 BES system currently operational statewide. 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 NY must be designed and installed to meet NYS State Fire Code, which adopts NFPA 855 (the national standard for BES safety) and incorporates additional expertise from the NY City Fire Dept., a national leader in BES safety in dense urban environments. Notably, BES systems in NY 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. The response to a battery fire requires no specialized equipment than what is used for ordinary structure fires. In NY City, where dozens of large-scale BES systems are operational, there has never been a single safety incident.

This bill would allow Albany politicians to override the expertise of local zoning and fire safety experts. At present, BES system siting is governed by local zoning, as well as either the NYS or NYC Fire Code. This bill would discard the years-long efforts of fire safety professionals and the policy decisions of local zoning authorities - in favor of arbitrary setback requirements. In NYC, nearly all developable parcels are within the 300-foot buffer area mandated by this bill, meaning that it would effectively disqualify nearly all future BES systems (even if otherwise zoned appropriately). This is contrary to legislation enacted by the NY City Council overwhelmingly only two years ago, allowing BES systems citywide with no additional setbacks.

For the above reasons, the Alliance for Clean Energy New York and the New York Battery and Energy Storage Technology Consortium 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. All of ACE NY's memos on legislation are available at <https://www.aceny.org/legislative-actions>.