



MEMORANDUM IN STRONG OPPOSITION OF

[S.7197-B](#) (Addabbo Jr.) / [A.6955-C](#) (Williams)

In relation to setback and financial requirements relating to the siting of battery energy storage systems

February 2026

The coalition of organizations listed below oppose S.7197-B / A.6955-C. 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 systems (BESS). Most concerning, the minimum setback for BESS greater than 3 megawatts is set to 750 ft. from residential property (or 300 ft in New York City). **This bill would prevent nearly all BESS 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. BESS support renewables by storing excess energy for use when the sun isn't shining and the wind isn't blowing; directly reduce reliance on fossil fuels, 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.

BESS are safe and highly regulated – and unlike other energy infrastructure, have never resulted in any injuries or deaths among the ~7,500 BESS 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 BESS in NY must be designed and installed to meet NYS State Fire Code, which adopts NFPA 855 (the national standard for BESS safety) and incorporates additional expertise from the NYC Fire Dept., a national leader in BESS safety in dense urban environments. Notably, BESS 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 BESS 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 NYC, where dozens of large-scale BESS are operational, there has never been a single safety incident.

This bill overrides the expertise of local zoning and fire safety experts. At present, BESS 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 BESS (even if otherwise zoned appropriately). This is contrary to legislation overwhelmingly enacted by the NYC Council only two years ago, allowing BESS citywide with no additional setbacks.

For the above reasons, the coalition of organizations listed below oppose this legislation. 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

ENVIRONMENTAL ADVOCATES OF NEW YORK

NATURAL RESOURCES DEFENSE COUNCIL

NETWORK FOR A SUSTAINABLE TOMORROW

NEW YORK BATTERY AND ENERGY STORAGE TECHNOLOGY CONSORTIUM

NEW YORK COMMUNITIES FOR CHANGE

NEW YORK CITY ENVIRONMENTAL JUSTICE ALLIANCE

NEW YORK LEAGUE OF CONSERVATION VOTERS

NEW YORKERS FOR CLEAN POWER

RENEWABLE ENERGY LONG ISLAND

SIERRA CLUB ATLANTIC CHAPTER

SUSTAINABLE WESTCHESTER

WE ACT FOR ENVIRONMENTAL JUSTICE