

# STATE OF NEW YORK

6996

2025-2026 Regular Sessions

## IN ASSEMBLY

March 18, 2025

Introduced by M. of A. TANNOUSIS -- read once and referred to the  
Committee on Local Governments

AN ACT to amend to the general municipal law, in relation to prohibiting  
the siting of battery energy storage system sites in assembly district  
64 as established by chapter 127 of the laws of 2023; and providing  
for the repeal of such provisions upon the expiration thereof

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Legislative intent. It is the intent of this legislature to  
2 protect New York state from the adverse effects of the siting of battery  
3 energy storage systems and related facilities and infrastructure in most  
4 instances, including but not limited to air pollution and the risk of  
5 explosions. The cumulative impact of spewing toxic fumes into the air  
6 and the potential for explosions in such close proximity to homes,  
7 schools, churches, playgrounds, and small businesses would prompt  
8 extremely negative effects on the public health and safety of the local  
9 community.

10 The legislature hereby determines that the public interest requires a  
11 prohibition on the siting of battery energy storage systems and related  
12 facilities and infrastructure in assembly district 64, in most  
13 instances.

14 § 2. The general municipal law is amended by adding a new section 137  
15 to read as follows:

16 § 137. Battery energy storage systems; prohibition in assembly  
17 district sixty-four. 1. Definition. For the purposes of this section,  
18 "battery energy storage system" shall mean one or more devices, assem-  
19 bled together, capable of storing energy in order to supply electrical  
20 energy at a future time, not to include a stand-alone twelve-volt car  
21 battery or an electric motor vehicle. A battery energy storage system  
22 shall be classified as a tier one or tier two battery energy storage  
23 system as follows: (a) tier one battery energy storage systems shall

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 possess an aggregate energy capacity less than or equal to six hundred  
2 kilowatt hours and, if in a room or enclosed area, consist of only a  
3 single energy storage system technology; (b) tier two battery energy  
4 storage systems shall possess an aggregate energy capacity greater than  
5 six hundred kilowatt hours or are comprised of more than one storage  
6 battery technology in a room or enclosed area.

7 2. Notwithstanding any other law, rule, or regulation to the contrary,  
8 the future siting and construction of battery energy storage systems and  
9 related facilities, systems, infrastructure, and substations of any  
10 scale and possessing any storage capacity and including, but not limited  
11 to, those deploying lithium-ion batteries, is hereby prohibited in  
12 assembly district sixty-four. No permit shall be issued for the approval  
13 or construction thereof, including those reserved for utility or commer-  
14 cial use, with the exception of those sited for use in industrial zones,  
15 along with those reserved for small-scale residential applications.

16 § 3. This act shall take effect immediately and shall apply to siting  
17 permit applications pending as of such effective date; provided, howev-  
18 er, that this act shall expire and be deemed repealed December 31, 2034.