STATE OF NEW YORK

10744

IN SENATE

November 20, 2026

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the general municipal law, in relation to prohibiting the siting of battery energy storage system sites in residential zoned areas

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

Section 1. The general municipal law is amended by adding a new section 137 to read as follows:

§ 137. Battery energy storage systems. 1. For the purposes of this section, "battery energy storage system" shall mean one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone twelve-volt car battery or an electric motor vehicle. A battery energy storage system shall be classified as a tier one or tier two battery energy storage system as follows: (a) tier one battery energy storage systems shall possess an aggregate energy capacity less than or equal to six hundred kilowatt hours and, if in a room or enclosed area, consist of only a single energy storage system technology; (b) tier two battery energy storage systems shall possess an aggregate energy capacity greater than six hundred kilowatt hours or are comprised of more than one storage battery technology in a room or enclosed area.

2. (a) Notwithstanding any other law, rule, or regulation to the contrary, the future siting and construction of battery energy storage systems and related facilities, systems, infrastructure, and substations of any scale and possessing any storage capacity and including, but not limited to, those deploying lithium-ion batteries, are hereby prohibited in a residential zoned area unless the developer demonstrates there are no other reasonable alternative locations, including but not limited to, commercial, industrial and utility-owned properties. Prior to municipal zoning approval, an application for a battery energy storage system site shall first be submitted to the department of public service for an independent review. In the application to such department and the municipality, the developer shall identify any other locations considered

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

LBD16586-03-6

for the project and why such locations were deemed not feasible. The department of public service shall review the application and issue a written decision to both the developer and the municipality.

(b) If a residential zoned location is approved after meeting all requirements, the developer shall contribute two percent of the total project development cost toward improvements in the affected neighborhood within three hundred feet of the proposed site, including streets, sidewalks, parks, schoolyards, and other public infrastructure. Such community investment funds shall be restricted to the affected neighborhood and held by the municipality in a dedicated municipal fund for such neighborhood. Residents shall have input on how such funds are spent, with the municipality granting final approval. No construction shall be commenced without the payment of the community investment funds.

3. If a developer cannot demonstrate that residential siting is necessary or fails to meet any required safety or siting standard, including, but not limited to, fire risks, toxic smoke, emergency access, and evacuation planning, proximity to homes, schools, senior housing, and other places where people may need additional assistance during an emergency, the application shall be denied.

4. On a quarterly basis, the developer shall submit a report to the department of public service, the local municipality and local fire department. Such report shall include information, including but not limited to, how much electricity is being stored and discharged, the facility's operating capacity, any safety incidents, emergency shutdowns, and whether required inspections are being completed. Such report shall be posted on such municipality's website. Failure to submit quarterly reports are subject to a one thousand dollar per day fine and up to twenty-five thousand dollars for knowingly submitting false information.

§ 2. This act shall take effect immediately.