

Proposed NY law on battery storage facilities would 'take away the power of localities,' opponents say

William J. Kemble Daily Freeman, Kingston (TNS)

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SAUGERTIES — A proposed state law that would streamline the siting of lithium-ion battery energy storage facilities is drawing local opposition because it would transfer the permitting process to the state. The legislation, state Senate bill 5506 and state Assembly 8378, would transfer the permitting process to the state Office of Renewable Energy Siting and Electric Transmission.

“There’s a movement to take away the power of localities,” said Stop Saugerties Battery Storage member Dia Mansbach. “Leaders at the state level, it’s dubious whether they have any accountability. The only accountability we have left is at the local level...so why would we go along with giving all our power away to people who don’t have our invested interests?”

A spokesperson for Gov. Kathy Hochul said in an email to the Freeman on Tuesday that the Democrat “will review the legislation if it comes to her desk after passing both houses of the legislature.”

In a March 11 interview with Politico, Hochul said that local sentiment is getting in the way of an agenda to improve the availability of electricity.

“Solar arrays and battery storage, we’ve got a problem with localities who are saying ‘no,’” Hochul said. “We have plans. I wish we had this local support and we don’t.”

Hochul said there are “density issues.”

“This is not Texas, which has got 100 miles before you see another human being and they can do whatever they want,” she said. “I have density issues...I have very strong home rule (laws) and if the locals don’t want it, I can’t jam it through.”

Ulster town Supervisor James Quigley, a Republican, is watching Hochul’s observation play out in real time as the 250-megawatt Terra-Gen application draws unrelenting opposition in a site at the former Coleman High School, which appears rural but has densely populated residential neighborhoods on three sides. That controversy has run for a year, and now is joined by a proposed 150-megawatt site on the other side of town, overlooking the town’s commercial hub and near several neighborhoods.

“In Albany, there are decisions made for the good of the state and they have an overall strategic view. And in this case, the energy policy is an overall strategic view,” he said. “I prefer not to be in the middle of a controversial decision, but I’m in the middle of the

controversial decision, so we're going to execute every bit of cautionary behavior that we can."

Quigley argued that implementing a state strategy requires state lawmakers with the political will to make historic decisions.

"We have to make investments in the electrical grid and securing our delivery service for electric to be able to move the economy forward and to live here," he said.

"They don't ask us where they want to put a road...and today we have a road system," Quigley said. "It's a lot like when they just went and put the railroads in and it developed our society ... and the running of the local electrical and telecommunication distribution systems throughout the communities. They put them there for the best interest of the society, and we're going to come to a choice, and this is beyond my (governmental) level."

Mansbach is sure that state officials would not have the best interest of Saugerties in mind if a 100-megawatt system, currently under review by the town, were in state hands. Listening to developer Key Capture describe the proposal, she finds signs that winning approval relies as much on salescraft as on providing technical information. One example is the use of the acronym BESS, for Battery Energy Storage System, which makes it seem less likely to evoke images of dangerous lithium-ion fires such as the one in Warwick in December 2025 or Moss Landing, California, in January 2025.

"They try to make it sound like a nice old lady," she said.

Siting rules currently proposed in the state Legislature have not gathered enough support to move bills out of committees. Other proposed laws include a state Assembly bill from March 18, 2025, matched by the state Senate two weeks later, that sets minimum setback requirements for systems of more than 3 megawatts to stand at least 750 feet from a "dwelling, house, farm building, or school" or only 300 feet in a city with a population of 1 million or more.

Another state Assembly bill introduced with only a sponsor and no co-sponsors would prohibit the siting and construction of battery energy storage systems in Assembly District 64 in New York City. A Senate bill seeks to require public notices for the proposed construction of the systems in areas with a population of 1 million or more people.

Neither state Assemblymember Sarahana Shrestha, D-Esopus, nor state Sen. Michelle Hinchey, D-Saugerties, responded immediately to requests for comment on proposed legislation involving lithium-ion battery facilities.