

Summary of Proposed Town of Warwick Battery Energy Storage System (BESS) Law of 2026

This proposed law establishes one of the most restrictive and comprehensive Battery Energy Storage System regulations in New York State, balancing support for clean energy with strong public safety protections.

Key Highlights:

- **Utility-Scale Battery Facilities Prohibited:** The law effectively prohibits large-scale battery storage facilities greater than 1 megawatt-hour (MWh) anywhere in the Town of Warwick. Only systems up to 1 MWh may be considered.
- **Three-Tier Classification System:** Class 0 (residential and small-scale systems up to 80 kWh), Class 1 (medium-sized systems serving only on-site electrical demand), and Class 2 (larger systems up to 1 MWh that may serve off-site demand and require special approvals).
- **Strict Location Restrictions:** No Class 1 or Class 2 systems within 1,000 feet of residences. No Class 2 systems within one-half mile of hospitals, schools, colleges, libraries, nursing homes, nurseries, or adult day care facilities. No Class 2 systems within 1,000 feet of parks, playgrounds, or houses of worship. Systems are also prohibited in aquifer protection districts, FEMA flood zones, and near historic resources.
- **Enhanced Fire Safety Requirements:** Compliance with the latest NYS Fire Code, NFPA 855, UL 9540A testing standards, and NYSERDA guidance. Mandatory third-party fire safety inspections, 24/7 remote monitoring, detailed emergency response plans, and annual training exercises with local emergency responders.
- **Groundwater and Environmental Protection:** Large systems must include emergency runoff containment capable of holding at least 10,000 gallons of potentially contaminated firefighting water. PFAS-based fire suppression systems are prohibited, and stormwater controls are required.
- **Financial Protections for Taxpayers:** Operators must indemnify the Town, maintain liability insurance naming the Town as an additional insured, and establish a decommissioning fund to ensure complete removal of the facility at the end of its useful life.
- **Rigorous Review Process:** Class 1 systems require site plan approval. Class 2 systems require site plan review and a special permit. Applicants must provide engineering studies, emergency response analyses, air dispersion modeling, interconnection studies, and proof of operational experience and financial capability.

Bottom Line: The proposed law allows homeowners and businesses to utilize battery storage technology while effectively preventing large utility-scale battery installations in Warwick. It establishes extensive setbacks, environmental safeguards, emergency response requirements, financial protections, and ongoing oversight to protect public health, safety, and the environment.

Next Steps:

- Public Hearing Scheduled for July 23 @ 1pm in Warwick Town Hall
- Public Hearing will continue to AT LEAST August 13 Town Board meeting
- Written comments may be submitted electronically to clerk@townofwarwickny.gov
- Written comments may be submitted by mail to:

**Warwick Town Board
132 Kings Hwy
Warwick, NY 10990**