

**RESOLUTION CONFIRMING SEQR DETERMINATION
AMAZON.COM PROJECT**

A regular meeting of Montgomery County Industrial Development Agency (the "Agency") was convened in public session at the office of the Agency located at the Montgomery County Business Development Center located at 113 Park Drive, Fultonville, New York on November 13, 2025 at 3:30 p.m., local time.

The meeting was called to order by the (Vice) Chairperson and, upon roll being called, the following members of the Agency were:

PRESENT:

Matthew Beck	Chairperson
Mark Kowalczyk	Vice Chairperson
Brent Phetteplace	Secretary/Assistant Treasurer
Cheryl Reese	Treasurer/Assistant Secretary
Edward Watt	Member
Jessica Cyr	Member
Daniel Roth	Member

ABSENT:

None

THE FOLLOWING PERSONS WERE ALSO PRESENT:

Kenneth F. Rose	Chief Executive Officer
Sheila Snell	Chief Financial Officer
Vincenzo Nicosia	Director of Program Development
Stephanie Battisti	Economic Development Specialist
Christie Dingman	Staff Assistant
Christopher C. Canada, Esq.	Agency Counsel

The following resolution was offered by Matthew Beck, seconded by Cheryl Reese, to wit:

Resolution No. 25-18

RESOLUTION CONCURRING IN THE DETERMINATION BY THE TOWN OF FLORIDA PLANNING BOARD, AS LEAD AGENCY FOR A CERTAIN PROPOSED PROJECT FOR AMAZON.COM SERVICES LLC, BMG ALBANY LLC AND/OR ONE OR MORE AFFILIATES THEREOF.

WHEREAS, Montgomery County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 666 of the 1970 Laws of New York, as amended, constituting Section 895-d of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of commercial, manufacturing and industrial facilities, among others, for the purpose of promoting, attracting and

developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, and install one or more “projects” (as defined in the Act) or to cause said projects to be acquired, constructed, and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Amazon.com Services LLC, a limited liability company organized and existing under the laws of the State of New York (“Amazon Services”) and BMG Albany LLC, a limited liability company organized and existing under the laws of the State of New York (“BMG”) (Amazon Services and BMG are each hereinafter sometimes referred to as a “Co-Applicant”) submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the “Project”) for the benefit of either or both Co-Applicants or one or more affiliates thereof (collectively, the “Company”), said Project consisting of the following: (A) (1) the acquisition of an interest in one or more parcels of land containing an aggregate of approximately 137.24 acres and located approximately 1.5 miles west of Interchange 27 on the south side of New York State Route 5S and between New York State Route 5S and the New York State Thruway (I-90) in the Town of Florida, Montgomery County, New York (collectively, the “Land”); (2) the construction on the Land of a distribution center and warehouse facility to contain approximately +/- 3.2 million square feet of space (the “Facility”); and (3) the acquisition and installation therein and thereon of certain machinery, equipment and other personal property (collectively, the “Equipment”) (the Land, the Facility and the Equipment being collectively referred to as the “Project Facility”), all of the foregoing to be owned and operated by the Company, an affiliate thereof, or such other person or entity as may be designated by the Company and agreed upon by the Agency, as a distribution center and warehouse, including office space, related parking, trailer and truck storage, and other directly and indirectly related activities; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, and real estate transfer taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, by resolution adopted by the members of the Agency on October 9, 2025 (the “Public Hearing Resolution”), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project. The Chief Executive Officer of the Agency caused a copy of the certified Public Hearing Resolution to be mailed on October 21, 2025 to the chief executive officers of Montgomery County, the Town of Florida and the Greater Amsterdam School District (collectively, the “Affected Tax Jurisdictions”); and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Chief Executive Officer of the Agency (A) caused notice of a public hearing of the Agency (the “Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be (1) mailed on October 21, 2025 to the chief executive officers of the Affected Tax Jurisdictions; (2) posted on October 21, 2025 on the Agency’s website and also on a public bulletin board located in the lobby of the offices of Montgomery County Industrial Development Agency located at 113 Park Drive in the Village of Fultonville, Montgomery County, New York; and (3) published on October 23, 2025 in The Recorder, a newspaper of general circulation available to the residents of the Town of Florida, Montgomery County, New York; (B) conducted the Public Hearing on November 3, 2025 at 4:00 p.m., local time at the Town

of Florida Municipal Building located at 214 Fort Hunter Road in the Town of Florida, Montgomery County, New York; and (C) prepared a report of the Public Hearing (the "Public Hearing Report") which fairly summarized the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43 B of the Consolidated Laws of New York, as amended (the "SEQR Act"), and the regulations (the "Regulations") adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, "SEQRA"), the Agency has been informed that (A) the Planning Board of the Town of Florida, New York (the "Planning Board") was designated to act as "lead agency" with respect to the Project, and (B) by resolution adopted by the Planning Board on August 11, 2025 (the "Planning Board Resolution"), the Planning Board (1) determined that the Project is a "Type I action" (as such term is defined under SEQRA) which will not have a "significant effect on the environment" and, therefore, that no environmental impact statement need be prepared with respect to the Project and (2) issued a negative declaration with respect thereto (the "Negative Declaration"), which Planning Board Resolution and Negative Declaration are attached hereto as Exhibit A; and

WHEREAS, at the time that the Planning Board determined itself to be the "lead agency" with respect to the Project, it was not known that the Agency was an "involved agency" (as defined under SEQRA) with respect to the Project, and, now that the Agency has become an "involved agency" with respect to the Project, the Agency desires to concur in the designation of the Planning Board as "lead agency" with respect to the Project, to acknowledge receipt of a copy of the Planning Board Resolutions and to indicate that the Agency has no information to suggest that the Planning Board was incorrect in determining that the Project will not have a "significant adverse impact on the environment" pursuant to SEQRA;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Agency has received copies of, and has reviewed, the Application, a full environmental assessment form completed with respect to the Project, the Planning Board Resolution, and the Negative Declaration (collectively, the "Reviewed Documents") and, based upon said Reviewed Documents, the Agency hereby ratifies and concurs in the designation of the Planning Board as "lead agency" with respect to the Project under SEQRA (as such quoted term is defined in SEQRA).

Section 2. The Agency hereby determines that the Agency has no information to suggest that the Planning Board was incorrect in determining that the Project will not have a "significant effect on the environment" pursuant to the SEQRA and, therefore, that no environmental impact statement need be prepared with respect to the Project (as such quoted phrase is used in SEQRA).

Section 3. The members of the Agency are hereby directed to notify the Planning Board of the concurrence by the Agency that the Planning Board shall be the "lead agency" with respect to the Project, and to further indicate to the Planning Board that the Agency has no information to suggest that the Planning Board was incorrect in its determinations contained in the Planning Board Resolution or the Negative Declaration.

Section 4. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Matthew Beck	VOTING	YES
Mark Kowalczyk	VOTING	YES
Brent Phetteplace	VOTING	YES
Cheryl Reese	VOTING	YES
Edward Watt	VOTING	YES
Jessica Cyr	VOTING	YES
Daniel Roth	VOTING	ABSTAINED

The foregoing resolution was thereupon declared duly adopted.

[Remainder of page left blank intentionally]


STATE OF NEW YORK)
) SS.:
COUNTY OF MONTGOMERY)

I, the undersigned (Assistant) Secretary of Montgomery County Industrial Development Agency (the "Agency"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the resolution contained therein, held on November 13, 2025 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 13th day of November, 2025.


(Assistant) Secretary

(SEAL)

EXHIBIT A

PLANNING BOARD RESOLUTION AND
NEGATIVE DECLARATION

- SEE ATTACHED -

August 11, 2025

TOWN OF FLORIDA PLANNING BOARD

**RESOLUTION completing part 3 of the Feaf
regarding the APPLICATION OF BMG ALBANY, LLC
making a determination of significance along
with issuing a NEGATIVE declaration**

WHEREAS, in January of 2025, BMG Albany, LLC proposed to construct a 3.2 Million SF warehouse/distribution facility through submission of an amended site plan and special permit application (hereafter, “the Project”); and

WHEREAS, the Project is a Type I action for SEQRA review and a Full Environmental Assessment Form (“FEAF”) was submitted to the Town of Florida Planning Board (hereafter “the Planning Board”); and

WHEREAS, on February 3, 2025 the Planning Board issued a Notice of Intent to be Lead Agency for the coordinated SEQRA review of the Project; and

WHEREAS, there was no opposition to the Planning Board’s Lead Agency status by any other involved agency; and

WHEREAS, on May 5, 2025 the Planning Board declared itself Lead Agency and began review of the Project’s FEAF; and

WHEREAS, on July 7, 2025 the Planning Board completed Part 2 of the FEAF and identified areas where the proposed Project may have moderate to large environmental impacts; and

WHEREAS, on August 11, 2025 the Planning Board completed Part 3 of the FEAF assessing each item which was identified as potentially having a moderate to large impact from Part 2; and

WHEREAS, in completing Part 3, the Planning Board determined that the Project will not result in a significant adverse impact on the environment;

NOW, THEREFORE BE IT RESOLVED by the Town of Florida Planning Board as follows:

Section 1. That, for the reasons articulated in its Part 3 analysis, the Planning Board, as Lead Agency has determined that the Project will not result in a significant adverse impact on the environment; and

Section 2. That, for the reasons articulated in its Part 3 analysis, the Planning Board, as Lead Agency issues a negative declaration for the Project.

Dan Roth	aye/nay
Scott Marshall	aye/nay
Peter Rea	aye/nay
Nicholas Armour	aye/nay absent
John Hutchinson	aye/nay abstain
Charles Saul	aye/nay
Chairman Viele	aye/nay
Jayne King	aye/nay
Cindy Shultz	aye/nay

Project:
Date:

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☐ Part 1 ☐ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: MSV1

Name of Lead Agency: Town of Florida Planning Board

Name of Responsible Officer in Lead Agency: Stephen Vicle

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency: _____

Date: 11 Aug 25

Signature of Preparer (if different from Responsible Officer) _____

Date: _____

For Further Information:

Contact Person: Stephen Vicle, Chairman, Town of Florida Planning Board

Address: Town of Florida Town Hall 214 Ft. Hunter Road Amsterdam NY 12026

Telephone Number: 518 843-6372

E-mail: clerk@townofflorida.com

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

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