§ 52-0101. Definitions.

As used in this article the following terms shall mean and include:

1. "Commissioner" means the commissioner of environmental conservation except that within and for the purposes of title nine of this article, the term shall mean the commissioner of parks, recreation and historic preservation.

2. "Cost" means the cost of an approved project, which shall include engineering and architectural services, plans and specifications, consultant and legal services, and other direct expenses incident to such project less any federal assistance received or to be received and any other assistance from responsible parties or otherwise.

3. "Department" means the department of environmental conservation.

4. "Environmentally sensitive lands project" means a state project to preserve aquifer recharge areas, areas of exceptional scenic beauty or exceptional forest character, open space, pine barrens, public access, trailways, unique character, wetlands, and wildlife habitat, as defined below:

(a) "Aquifer recharge area" means the location at which water can enter an aquifer directly or indirectly.

(b) "Exceptional forest character" means forest possessed of such attributes as maturity of growth, scientific harvesting potential, aesthetic appeal or recreational opportunity.

(c) "Exceptional scenic beauty" means land forms, water bodies, geologic formations and vegetation which possess significant scenic qualities or significantly contribute to scenic values.

(d) "Open space" means open or natural land in or near urban or suburban areas necessary to serve the scenic or recreation needs thereof.

(e) "Pine barrens" means a natural community of such biota as pitch pine, jack pine, and scrub oak which may be found associated with a variety of natural resources.

(f) "Public access" means access to lands for public use, including

stream rights and waterways.

(g) "Trailways" means recreational trails developed under guidelines established for the development of a statewide trails system.

(h) "Unique character" means lands of special natural beauty, wilderness character, geological, ecological or historical significance suitable for the state nature and historic preserve and similar lands within a forest preserve county outside the Adirondack and Catskill parks.

(i) "Wetlands" means freshwater wetlands as defined in article twenty-four of this chapter and tidal wetlands as defined in article twenty-five of this chapter.

(j) "Wildlife habitat" means specific areas essential for the conservation of threatened and endangered species which require special management considerations or protection for maintenance of such species.

5. "Federal assistance" shall mean funds available, other than by loan, from the federal government, either directly or through allocation by the state for construction or program purposes pursuant to any federal law or program.

6. "Forest preserve project" means a state project to acquire land as additions to the forest preserve or to acquire conservation easements created pursuant to title three of article forty-nine of this chapter within the Adirondack and Catskill parks.

7 "Governing body" means

(a) in the case of a town, a town board;

(b) in the case of a county outside of the city of New York, the county board of supervisors or other elective governing body;

(c) in the case of a city or village, the local legislative body thereof, as the term is defined in the municipal home rule law;

(d) in the case of a public benefit corporation, the board of directors, members or trustees thereof;

(e) in the case of a school district, the board of education thereof;

(f) in the case of a supervisory district, the board of cooperative educational services thereof.

8. "Hazardous waste" shall have the definition set forth in title nine of article twenty-seven of this chapter.

9. "Hazardous waste site remediation project" means the same as the term "inactive hazardous waste disposal site remedial program" as defined in subdivision three of section 27-1301 of this chapter.

10. "Historic preservation project" means:

(a) State historic preservation projects. A state project undertaken by the office of parks, recreation and historic preservation to improve, restore or rehabilitate state historic properties listed on the state or national registers of historic places to protect the historic, cultural or architectural significance thereof.

(b) Municipal historic preservation project. A project undertaken by a municipality to improve, restore or rehabilitate municipal property listed on the state or national registers of historic places to protect the historic, cultural or architectural significance thereof.

(c) Not-for-profit historic preservation projects. A project undertaken by a not-for-profit corporation for the acquisition, improvement, restoration or rehabilitation of property listed on the state or national registers of historic places to protect the historic, cultural or architectural significance thereof.

11. "Landfill" means a disposal facility or part of one at which solid waste, or its residue after treatment, is intentionally placed in or on land, at which solid waste will remain after closure, and which is not a landspreading facility, a surface impoundment, or an injection well.

12. "Lands" mean lands, improvements and structures thereon or rights, franchises, and interests therein, lands under water and riparian rights, and shall also mean any and all interests in lands less than full title, including without limitations, easements, permanent or temporary, rights of way, uses, leases, licenses, and any other estate, interests or rights in lands, legal or equitable.

13. "Municipal landfill closure project" means activities undertaken to close, including by reclamation, a landfill owned or operated by a

municipality to achieve compliance with regulations promulgated by the department.

14. "Municipal park project" means a project including an urban cultural park undertaken by a municipality for the acquisition, development or improvement of outdoor or indoor recreation facilities, including, but not limited to site acquisition, improvement, construction, reconstruction and improvement of structures, roads and parking facilities.

15. "Municipality", except as otherwise defined within this article, means a city, county, town, village, public benefit corporation or school district or an improvement district within a city, county, town or village, or Indian tribe residing within New York state, or any combination thereof.

16. "Not-for-profit corporation" means a corporation formed pursuant to the not-for-profit corporation law and qualified for tax-exempt status under section 501(c)(3) of the federal internal revenue code.

17. "Office" means the office of parks, recreation and historic preservation.

18. "Solid waste" shall have the definition set forth for such term in title seven of article twenty-seven of this chapter.

19. "Urban cultural park" shall have the definition set forth for such term in title G of article thirty-one of the parks, recreation and historic preservation law.