§ 8-0105. Definitions.

Unless the context otherwise requires, the definitions in this section shall govern the construction of the following terms as used in this article: 1. "State agency" means any state department, agency, board, public benefit corporation, public authority or commission.

2. "Local agency" means any local agency, board, district, commission or governing body, including any city, county, and other political subdivision of the state.

3. "Agency" means any state or local agency.

4. "Actions" include:

(i) projects or activities directly undertaken by any agency; or projects or activities supported in whole or part through contracts, grants, subsidies, loans, or other forms of funding assistance from one or more agencies; or projects or activities involving the issuance to a person of a lease, permit, license, certificate or other entitlement for use or permission to act by one or more agencies;

(ii) policy, regulations, and procedure-making.

5. "Actions" do not include:

(i) enforcement proceedings or the exercise of prosecutorial discretion in determining whether or not to institute such proceedings;

(ii) official acts of a ministerial nature, involving no exercise of discretion;

(iii) maintenance or repair involving no substantial changes in existing structure or facility.

6. "Environment" means the physical conditions which will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance, existing patterns of population concentration, distribution, or growth, and existing community or neighborhood character.

7. "Environmental impact statement" means a detailed statement setting

forth the matters specified in section 8-0109 of this article. It includes any comments on a draft environmental statement which are received pursuant to section 8-0109 of this article, and the agency's response to such comments, to the extent that such comments raise issues not adequately resolved in the draft environmental statement.

8. "Draft environmental impact statement" means a preliminary statement prepared pursuant to section 8-0109 of this article.

9. "Disadvantaged community" shall have the same meaning as subdivision five of section 75-0101 of this chapter.

10. "Pollution" shall have the same meaning as defined by subdivision nineteen of section 1-0303 of this chapter.

11. "Previously disturbed site" means a parcel of land that:

(i) is determined by a responsible agency to have been substantially altered by an occupied, formerly occupied, or demolished building or by another improvement or use at least two years prior to the application for a permit or authorization for an action;

(ii) for any parcel located within a city, town, or village with a population of fewer than one million persons and located outside of an urban area, as such term or equivalent term is or comes to be defined by the United States Census Bureau in the most recent decennial census beginning on or after the two thousand twenty decennial census, such parcel shall abut, adjoin, or be opposite from another parcel that is or has been occupied or formerly occupied by a building, or demolished building, or another improvement or use at least two years prior to the application for a permit or authorization for an action, provided such abutting, adjoining, or opposite parcel shall not be occupied by an industrial or agricultural use;

(iii) for any parcel that is located within a city, town, or village with a population of fewer than one million persons, is not located in a Federal Emergency Management Agency (FEMA) designated 100-year floodplain, or special flood hazard area, provided that this paragraph shall not apply if such a city, town, or village has adopted a law or ordinance that requires new construction to be elevated above the base

flood elevation as defined by FEMA;

(iv) for any parcel that is located within a city, town, or village with a population of more than one million persons, is not located in a flood hazard area, as defined in section two hundred two of the New York city building code, provided that this paragraph shall not apply if such a city, town, or village has adopted a law or ordinance that requires new construction to be elevated above the base flood elevation as defined by FEMA;

(v) is not currently being used for agricultural purposes and has not been used for agricultural purposes within: (a) the immediately preceding two years, or (b) three of the last five years before the application for a permit or authorization for an action; and

(vi) is not located in a designated coastal erosion hazard area.

12. "Small community water system" means a public water system which serves at least five service connections used by year-round residents or regularly serves at least twenty-five year-round residents, and serves thirty-three hundred or fewer persons.

13. "Public school facilities" shall mean educational facilities, as defined in section twenty-five hundred ninety-a of the education law, of a city school district in a city having a population of one million or more persons, over which the department of education for such city has jurisdiction, for purposes of meeting the class size compliance targets set forth in subdivision two of section two hundred eleven-d of the education law.