§ 1801. Definitions. As used or referred to in this title, unless a different meaning clearly appears from the context:

1. "Assisted project" shall mean any project in respect of which the authority has granted a loan or guaranteed a loan.

2. "Authority" shall mean the New York job development authority created by subdivision one of section eighteen hundred two of this title.

3. "Banking organization" when used in this title shall mean (a) any organization defined by subdivision eleven of section two of the banking law, (b) any agency or branch of a foreign banking corporation licensed by the department of financial services under article five of the banking law, (c) any national bank, federal savings and loan association and federal credit union, (d) any authorized insurer defined by paragraph ten of subsection (a) of section one hundred seven of the insurance law and (e) any public or private pension or investment fund required to file a report with any state or federal regulatory or supervisory body.

4. "Comptroller" shall mean the comptroller of the state.

5. "Eligible business facility" shall mean any type of business facility to be used or occupied by any person in an enterprise deemed to offer a reasonable likelihood for promoting the creation or retention of job opportunities in the state, and includes, but is not limited to, industrial or manufacturing plants, facilities for research and development purposes, facilities for conducting wholesale, receiving and distributing operations, facilities for conducting office operations, warehousing operations, or any other operation dealing in the exchange of goods, wares, services or other types of property of any type or description.

6. "Federal agency" shall mean the United States of America, and any officer, department, board, commissioner, bureau, division, corporation, agency or instrumentality thereof.

7. "Industrial plant" shall include a manufacturing plant and a plant used in connection with extracting, smelting, recovering, developing, preparing, compounding, converting, assembling or producing in any manner, minerals, raw materials, chemicals, compounds, alloys, fibers, commodities and materials, products or substances of any kind or nature, and shall include facilities related thereto for storage, warehousing or distribution, for research and development or for the discovery of new and the refinement of known substances, processes and products.

8. "Local development corporation" shall mean a non-profit corporation incorporated or reincorporated under the laws of this state, regardless of its particular name, which shall meet the additional requirements of section eighteen hundred twenty-five of this title.

9. "Manufacturing plant" shall include a plant used in connection with making, creating, working, preparing, processing, milling, manufacturing, finishing, fashioning, fabricating, or producing in any manner, goods, wares, merchandise, metals, fabrics, materials, products or substances of any kind or nature.

10. "Municipality" shall mean any county, city, town or village in the state.

11. a. "Loan" shall mean (i) a mortgage loan evidenced by a bond, note or other obligation of a local development corporation secured by a mortgage on a project, defined in subdivision fourteen (i) and (ii) of this section, made by a local development corporation, a project occupant or other person, firm or corporation; (ii) a loan evidenced by a bond, note or other obligation of a local development corporation, a project occupant, or other person, firm or corporation secured by a loan agreement, contract or such other instrument deemed necessary or convenient on a project defined in subdivision fourteen (iii) of this section; (iii) a loan evidenced by a bond, note or other obligation of a local development corporation, a project occupant, or other person, firm or corporation secured by a security interest in machinery and equipment as provided in section eighteen hundred fourteen; and (iv) an employee

ownership assistance loan made pursuant to paragraph (v) of subdivision fourteen of this section.

b. "Loan guarantee" shall mean the guaranteeing by the authority of a loan made by a banking organization on a project as defined in subdivision fourteen of this section.

12. "Pollution control facilities" shall mean real or personal property having to do with, or the end purpose of which, is the control, abatement or prevention of land, sewer, water, air, thermal, radiational, noise or general environmental pollution resulting from the operation of an industrial, manufacturing or research plant.

13. "Plant" shall mean real property, the buildings, improvements and structures thereon and the fixtures thereon other than machinery or equipment used by a project occupant in its operations.

14. "Project" shall mean (i) the construction of a new industrial or manufacturing plant, a new research and development building or other new eligible business facility, (ii) the acquisition, rehabilitation or improvement of a former or existing industrial or manufacturing plant, of a former or existing building to be used for research and development, of a former or existing other eligible business facility, (iii) the construction, acquisition, rehabilitation or improvement of pollution control facilities, (iv) the purchase of machinery and equipment, for which financial assistance from the authority is sought, or (v) assistance to employees under an employee ownership assistance loan agreement made pursuant to subtitle six of this title; provided, however, that any such plant, building, facility or machinery and equipment therefore shall not be primarily used in making retail sales of goods or services to customers who personally visit such facilities to obtain such goods or services, or used primarily as a hotel, apartment house or other place of business which furnishes dwelling space or accommodations to either residents or transients.

15. "Project cost" shall mean the aggregate costs incurred to finance the construction, acquisition, rehabilitation, or improvement of a

project, and which are determined by the authority to be or to have been reasonably necessary therefor, including, without intending thereby to limit the generality of such costs: the cost of acquiring real property therefor; the cost of constructing or reconstructing buildings and improvements thereon, including, to the extent such costs are not borne by the municipality or other taxing district within which the project is located, the cost of constructing means of access to and from such project; the cost of constructing extensions to the project site of existing utility systems if such costs are customarily borne by the consumer; insurance premiums, financing charges, interest costs, commitment fees and the like incurred prior to or during the period of construction, acquisition, rehabilitation or improvement; any fees or charges imposed by the authority in respect of an application for a mortgage loan; the cost of preparing project specifications, maps, plans, surveys, estimates, applications and other documents, including costs related to determination of the feasibility of the project in the planning stages; and all such other costs, charges, fees, and expenses, including labor costs, overhead costs, the costs of materials and supplies, and engineering, accounting and legal expenses, as may be reasonably incident to the construction, acquisition, rehabilitation or improvement of the project; provided, however, that the term "project cost" except when used in subtitle III of this title shall not include the cost of any machinery or equipment (other than fixtures) or personal property to be used by the project occupant in its operations or any expenses related to the installation, replacement or rehabilitation thereof.

16. "Project occupant" shall mean the business enterprise which proposes to use a project after construction, acquisition, rehabilitation or improvement.

17. "Real property" shall mean lands, waters, rights in lands or waters, structures, franchises and interests in land, including lands under water and riparian rights, and any and all other things and rights usually included within the said term and includes also any and all interests in such property less than full title, such as easements permanent or temporary, rights-of-way, uses, leases, licenses and all

other incorporeal hereditaments in every estate, interest or right, legal or equitable.

18. "State" shall mean the state of New York.

19. "State agency" shall mean any officer, department, board, commission, bureau, division, public corporation, agency or instrumentality of the state.