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## INTEROFFICE MEMORANDUM

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**TO:** SUBCOMMITTEE OF THE NEW YORK CITY BAR'S COMMITTEE ON RESTAURANTS AND HOSPITALITY  
**FROM:** JOSHUA LEVIN-EPSTEIN  
**SUBJECT:** SOURCES OF AUTHORITY FOR THE COMMUNITY BOARD'S ROLE IN THE GOVERNMENT OF NEW YORK CITY AND IN THE APPLICATION PROCESS BEFORE THE NEW YORK STATE LIQUOR AUTHORITY  
**DATE:** APRIL 16, 2015

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### *Introduction & Overview*

The purpose of this memorandum is to provide (i) an analysis of the source of authority for the Community Board's role in the government of the City of New York in relation to the Community Board's New York City Charter-mandated responsibilities, and (ii) an analysis of the source of authority for the Community Board's role under The New York Alcoholic Beverage Control Law's on-premises liquor license application process before the New York State Liquor Authority.

Section I of this memorandum analyzes (i) the Community Boards' relationship to the government of the City of New York, and (ii) the nature and scope of Community Boards' Charter-mandated responsibilities. The nature and extent of Community Boards' members' training and orientation is very difficult to discern. While the Office of the Mayor's Community Affairs Unit published a lengthy handbook called "The 2010 Handbook for Community Board Members" (the "Handbook") as a training manual for Community Board members, the Handbook provides virtually no guidance on issues concerning New York City's hospitality sector, such as public hearings concerning on-premises liquor licensing. The key point of Section I is that New York City Charter's requirement that certain governmental bodies assist Community Boards in the training of members and the administration of the Community Boards' responsibilities provides a channel to educate and train Community Board members.

Section II of this memorandum analyzes (i) the legal sources of authority that require applicants for certain types of on-premises liquor licenses to provide formal notice to the Community Boards of the intent to submit a license application to the New York State Liquor Authority, and (ii) the legal sources of authority that concern the content and form of Community Boards' advisory opinions in the licensing process under The New York Alcoholic Beverage Control Law. While New York City Charter §2800(3) provides Community Boards with the discretion to hold public hearings with the respect to "any matter relating to the welfare of the district", the law that requires applicants desirous of obtaining an on-premises liquor license to notify the Community

Board is the New York Alcoholic Beverage Control Law.<sup>1</sup> The key point of Section II is that the Alcoholic Beverage Control Law provides virtually no guidance to the Community Boards on the legal standards involved in the Community Boards' issuance of advisory opinions concerning certain types of on-premises liquor licenses.

## ***Section I: The Community Boards' Relationship to the City Government***

### ***A. Overview***

The New York City Charter defines the power and duties of the Community Boards and the Community Boards' relationship to the City's governmental bodies. The New York City Charter explicitly charges several governmental bodies with the responsibility of assisting Community Boards in the administration of Community Boards' Charter-mandated responsibilities and the training and education of Community Board members.

The structure of the New York City government provides two channels in the communication of information to Community Boards. The organization of the City government provides an opportunity to communicate directly with the Community Boards through District Managers of the Community Boards and indirectly via the Office of the Mayor's Community Affairs Unit.

While the New York City Charter's compartmentalization of Community Boards into fifty-nine separate boards, which consist of up-to fifty members, seemingly poses a logistical challenge in our efforts to coordinate new policies, the Charter's requirement that each Community Board appoint a District Manager provides a liaison to communicate with the Community Board.<sup>2</sup> The Mayor's office provides an indirect channel to the Community Boards. The government agency responsible for the coordination of the policies that relate to the Community Boards is the Office of the Mayor's Community Affairs Unit.<sup>3</sup> Our efforts in the coordination of policies related to Community Boards should be directed to the Community Affairs Unit and select District Managers.

The Community Board's responsibilities are broadly defined in twenty-one categories in §2800 of the New York City Charter. Of the twenty-one Charter-mandated responsibilities, the majority of the categories relate to the Community Board's administrative functions and relationship with City agencies. While §2800(3) of the New York City Charter provides Community Boards with the authority to hold public hearings

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<sup>1</sup> New York Alcoholic Beverage Control Law § 17 (providing that the "Authority shall have the following functions, powers, and duties: 1. To issue or refuse to issue any license or permit provided for in this chapter . . .").

<sup>2</sup> *Id.* at p. 52; see also New York City Charter at §2800(f).

<sup>3</sup> See <http://www.nyc.gov/html/cau/downloads/pdf/handbook.pdf> at p. 17 (last accessed April 14, 2015).

with the respect to “any matter relating to the welfare of the district”, the New York City Charter provides virtually no guidance on the substantive administration of the actual matters before the Community Board’s public hearings that do not deal with land use, zoning, and franchises.

It is very difficult to discern the origins of certain Community Boards’ (un)official policies and procedures concerning restrictions on hospitality applicants’ hours of operation, restrictions on the opening and closing of restaurant’s windows, restrictions on noise, among other seemingly arbitrary policies and procedures related to applications submitted in connection with the requirements of the New York Alcoholic Beverage Control Law. Having analyzed the New York City Charter and certain legal opinions of the Corporation Counsel of City of New York, the statutory instruction on the Community Board’s individual procedures and internal management is very limited. The Corporation Counsel Opinion 108433 advises that, in the absence of statutory instruction, a Community Board may adopt rules providing for its own internal management, organization and procedure.

While it is possible that the Community Boards’ individual by-laws and the “statements of duties” assigned by the District Managers to the Community Boards include relevant information on the policies and procedures of each Community Board,<sup>4</sup> the by-laws and “statements of duties” are not readily available on-line. It should be noted that under the New York City Charter §2800(d)(7) the by-laws and “statement of duties” must be available for “reasonable public inspection”. As a matter of due process, this memorandum recommends that our efforts include a recommendation on the increase of the accessibility of Community Board by-laws and “statement of duties” assigned by the District Managers to the general public through publication on Community Board websites and other electronic media.

### ***B. Education and Training of Members of the Community Board***

The government of the City of New York provides Community Boards with support in the administration of the Community Board’s functions and responsibilities. New York City’s key officials and bodies of government have specific responsibilities in relation to the Community Boards. The government of the City of New York provides assistance and orientation programs to the Community Boards.<sup>5</sup>

The Community Affairs Unit serves within the Office of the Mayor to assist the City’s fifty-nine (59) Community Boards in fulfilling the New York City Charter’s mandated responsibilities. The Mayor’s Community Affairs Unit provides members of Community Boards with guidance on the administration of Community Boards in a publication called The 2010 Handbook for Community Board Members. *See*

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<sup>4</sup> New York City Charter §2800(d)(7).

<sup>5</sup> *See* <http://www.nyc.gov/html/cau/downloads/pdf/handbook.pdf> at p. 2 (last accessed April 14, 2015).

<http://www.nyc.gov/html/cau/downloads/pdf/handbook.pdf> (last accessed April 14, 2015). The Handbook is a product of the Mayor's Community Affairs Office and the agencies that participate in the Community Boards' orientations.

### ***C. Key City Officials and Bodies of Government***

The New York City Charter establishes a relationship and responsibilities between key City officials, such as the Mayor, and bodies of government, such as the City Council, and the Community Board. The list below includes certain of the relevant relationships and responsibilities between City officials and bodies of government and the Community Board. The key points are (x) the New York City Charter countenances the need for the training and assistance of Community Boards, and (y) the Community Boards operate without significant interference from the City government.

The Mayor's responsibilities in relation to Community Boards include:

- Providing general assistance and mechanisms for the assistance of Community Boards.
- Ensuring that City agencies cooperate with Community Boards in all matters affecting local services and the handling of citizen complaints.
- The Community Affairs Unit serves within the Office of the Mayor to assist the Community Boards.

The City Council's responsibilities in relation to the Community Board include:

- Council Members are "ex-officio" non-voting members of the Community Boards in each respective district.
- Council Members submit nominations for membership on the Community Boards to the Borough President.<sup>6</sup> Half of the Borough President's appointments to the Community Board must be made from the nominations of the Council Members.<sup>7</sup>

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<sup>6</sup> New York City Charter § 2800 (a) provides in relevant part:

For each community district created pursuant to chapter sixty-nine [of the New York City Charter] there shall be a community board which shall consist of (1) not more than fifty persons appointed by the borough president for staggered terms of two years, at least one-half of whom shall be appointed from nominees of the council members elected from council districts which include any part of the community district, and (2) all such council members as non-voting members.

<sup>7</sup> *Id.*

- The number of members appointed on the nomination of the council members is proportional to the share of the district population represented by the council member.<sup>8</sup>

The Borough President's responsibilities in relation to the Community Board include:

- Appointing the members of the Community Boards for two-year terms.<sup>9</sup> Half of the Borough President's appointments to the Community Board must be nominees of the Council Members representing the Community District.
- Providing technical assistance to the Community Boards.<sup>10</sup>
- Providing training to the members of the Community Boards.<sup>11</sup>
- Consulting with the Community Boards in connection with the preparation of the New York City Charter mandated strategic policy statement for the borough.<sup>12</sup>

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<sup>8</sup> New York City Charter § 2800 (a) provides in relevant part:

The number of members appointed on the nomination of each such council member shall be proportional to the share of the district population represented by such council member. The city planning commission, after each council redistricting pursuant to chapter two-A, and after each community redistricting pursuant to section twenty-seven hundred two, shall determine the proportion of the community district's population represented by each council member. Copies of such determinations shall be filed with the appropriate borough president, community board, and council member.

<sup>9</sup> *Id.*

<sup>10</sup> New York City Charter § 82 (9), which defines the powers and duties of the Borough President, provides in relevant part:

Powers and duties. The president of a borough shall:

(9) Establish and maintain a planning office for the borough to assist the borough president in planning for the growth, improvement and development of the borough; . . . providing technical assistance to the community boards within the borough; and performing such other planning functions as are assigned to the borough president by this charter or other law.

<sup>11</sup> New York City Charter § 82 (12) charges the Borough President with "provid[ing] and technical assistance to the members of community boards within the borough".

<sup>12</sup> New York City Charter § 82 (14) provides as follows:

On or before the first day of September nineteen hundred ninety, and every four years thereafter, prepare a strategic policy statement for the borough and provide copies of such statement to the mayor, council and community boards in the borough. Such statement

The Borough Board's responsibilities in relation to the Community Board include:

- The chairperson of each Community Board serves on the Borough Board together with Borough President and the district council members from each borough.
- The Borough Board is required to cooperate with Cooperate with community boards and city agencies with respect to matters relating to the welfare of the borough and its residents.<sup>13</sup>

The Department and Director of City Planning responsibilities in relation to the Community Board include:

- Providing Community Boards with such staff assistance and other professional and technical assistance as may be necessary to permit such boards to perform their planning duties and responsibilities.<sup>14</sup>

#### ***D. The Community Board's Internal Organization***

New York City Charter § 2800 compartmentalizes Community Boards into fifty-nine separate boards that each consist of up-to fifty members. New York City Charter § 2801(f) requires each Community Board to appoint a District Manager, which is a paid position. Each Community Board has its own office, District Manager, and staff.

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shall include: (i) a summary of the most significant long-term issues faced by the borough; (ii) policy goals related to such issues; and (iii) proposed strategies for meeting such goals. In preparing the statement, the borough president shall consult with the community boards in the borough.

<sup>13</sup> New York City Charter § 85 (b) provides in relevant part:

Each borough board shall:

- (1) Cooperate with community boards and city agencies with respect to matters relating to the welfare of the borough and its residents.

<sup>14</sup> New York City Charter § 191(b)(5), which defines the powers and duties of the department and director of city planning, provides in relevant part:

The director of city planning shall:

- (5) Provide community boards with such staff assistance and other professional and technical assistance as may be necessary to permit such boards to perform their planning duties and responsibilities under this chapter.

**(i) *The District Manager***

New York City Charter § 2801(f) requires each Community Board to appoint a District Manager, which serves at the pleasure of the Community Board. The District Manager's role as broadly defined by the Charter is to (1) have responsibility for processing service complaints, (2) preside at meetings of the district service cabinet and (3) perform such other duties as are assigned by the Community Board. New York City Charter § 2801(f). The District Manager acts as a liaison between the Community Board and all governmental agencies and the community at large.<sup>15</sup> The Handbook explains the District Manager's role as follows:

The DM is the Community Board's expert on, and pipeline to, technical and administrative information on agency operations in the community (e.g., street sweeping schedules or the number and scope of senior programs).

**(ii) *The District Service Cabinet***

New York City Charter § 2705(a) establishes a District Service Cabinet in each community district to oversee local service delivery. New York City Charter § 2705(a)(6) further provides that the Chairperson of the Community Board serves on District Service Cabinet. The District Manager of the Community Board chairs the District Service Cabinet. The District Service Cabinet's relevance for our purposes is very limited.

***E. The Role of the Community Boards in City Government***

The New York City Charter defines the authority of the Community Boards. New York City Charter § 2800, entitled "Community Boards", governs the establishment of "community boards". New York City Charter § 2800(a) provides in relevant part as follows:

"For each community district created pursuant to chapter sixty-nine [of the New York City Charter] there shall be a community board which shall consist of (1) not more than fifty persons appointed by the borough president for staggered terms of two years, at least one-half of whom shall be appointed from nominees of the council members elected from council districts which include any part of the community district, and (2) all such council members as non-voting members. The number of members appointed on the nomination of each such council member shall be

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<sup>15</sup> See <http://www.nyc.gov/html/cau/downloads/pdf/handbook.pdf> at p. 52 (last accessed April 14, 2015).

proportional to the share of the district population represented by such council member.”

#### ***F. Responsibilities of the Community Board***

New York City Charter § 2800(d) sets forth twenty-one (21) categories of responsibilities for Community Boards. New York City Charter § 2800(d)(2), (3) and (7) provide in relevant part as follows:

d. Each community board shall:

(2) Cooperate with, consult, assist and advise any public officer, agency, local administrators of agencies, legislative body, or the borough president with respect to any matter relating to the welfare of the district and its residents;

(3) At its discretion hold public or private hearings or investigations with respect to any matter relating to the welfare of the district and its residents, but the board shall take action only at a meeting open to the public;

(7) . . . make available for reasonable public inspection, by-laws and statements of the duties assigned by the board to its district manager and other professional staff . . . and keep a public record of its activities and transactions, including minutes of its meetings, majority and minority reports, and all documents the board is required by law to review, which shall be made available, in accordance with law, to elected officials upon request and for reasonable public inspection.

##### ***(i) Board Composition and Membership***

***Membership:*** New York City Charter § 2800(a) authorizes the establishment of a Community Board for each “community district”. New York City Charter § 2701 sets forth the definition of “Community Districts”. Currently, there are 59 Community Boards.

***Appointments:*** New York City Charter § 2800(a)(1) provides that the Borough President appoints “not more than fifty persons” as members of the Community Board for staggered terms of two years. Pursuant to New York City Charter § 2800(a)(1) and (2), at least one-half of the members of the Community Board must be selected from nominees of the district’s Council Members.

- ***Eligibility:*** No person shall be appointed to or remain as a member of the board who does not have a residence, business, professional or other significant interest in the district. New York City Charter § 2800(a)(2). Not more than twenty-five percent of the appointed members shall be city employees. *Id.*



- ***Removal:*** An appointed member may be removed from a Community Board for cause, which shall include substantial nonattendance at board or committee meetings over a period of six months, by the Borough President or by a majority vote of the Community Board. New York City Charter § 2800(b). It should be noted that “cause” is not precisely defined in the New York City Charter.
- ***Compensation:*** Members of community boards shall serve as such without compensation but shall be reimbursed for actual and necessary out-of-pocket expenses in connection with attendance at regularly scheduled meetings of the community board. New York City Charter § 2800(b).

***(iii) Frequency of Community Board Public Hearings***

New York City Charter § 2800(h) provides that “[e]xcept during the months of July and August, each community board shall meet at least once each month within the community district and conduct at least one public hearing each month. . . . Each board shall give adequate public notice of its meetings and hearings and shall make such meetings and hearings available for broadcasting and cablecasting. At each public meeting, the board shall set aside time to hear from the public.”

***(iv) Actions of Community Boards***

New York City Charter § 2801 provides as follows:

§ 2801. Actions of community boards.

- a. A majority of the appointed members of any community board shall constitute a quorum of such board.
- b. Whenever any act is authorized to be done or any determination or decision made by any community board, the act, determination or decision of the majority of the members present entitled to vote during the presence of a quorum, shall be held to be the act, determination or decision of such board.

***(v) Community Board Meeting Procedures***

Community Boards are defined as public bodies and governmental agencies under the New York State Open Meetings Law and Freedom of Information Law. Therefore, the actions and procedures of the Community Boards and Community Boards’ committees’ are governed by the following: (i) New York City Charter § 2800, (ii) New

York State Open Meetings Law (OML, sections 100-111 of the New York State Public Officers Law) and (iii) Freedom of Information Law (FOIL, Section 84-90 of the Public Officers Law).

The following are the parliamentary procedure requirement related to Community Boards administration of Community Board public hearings:

- ***Quorum Requirement:*** A majority of the appointed members of any community board shall constitute a quorum of such board. New York City Charter § 2801(a).
- ***Tabulating Votes:*** Whenever any act is authorized to be done or any determination or decision made by any community board, the act, determination or decision of the majority of the members present entitled to vote during the presence of a quorum, shall be held to be the act, determination of such Community Board. New York City Charter § 2801(b).

## ***Section II. The Alcoholic Beverage Control Law***

### **A. Overview**

The Alcoholic Beverage Control Law is the legal source of authority for Community Boards' involvement in the on-premises application process before the State Liquor Authority. The Alcoholic Beverage Control law provides very limited guidelines on Community Board's substantive role in the license application process before the State Liquor Authority. The Alcoholic Beverage Control Law § 110-b(5) provides that:

“A municipality [Community Board] may express an opinion for or against the granting of such application. Any such opinion shall be deemed part of the record upon which the liquor authority makes its determination to grant or deny the application.”

While The Alcoholic Beverage Control Law § 110-b(5) authorizes the Community Board to provide an advisory “opinion” on the application for the license, the Alcoholic Beverage Control Law provides virtually no instruction to the Community Board on the factors that weigh in favor or against Community Boards' favorable or unfavorable advisory opinion on the application.

The Alcoholic Beverage Control Law § 110-b requires certain types of applicants to provide notice of the Community Boards prior to the submission of the application

with the State Liquor Authority. The Alcoholic Beverage Control Law § 110-b(5) further provides that Community Boards “may” provide an advisory opinion with respect to the New York State Liquor Authority’s granting of the license. In certain cases, the Alcoholic Beverage Control Law requires the New York State Liquor Authority to consult with Community Boards in connection with an application.

For the purpose of this memorandum, the Alcoholic Beverage Control Law § 64-7(f), which governs on-premises liquor licensing, requires the Authority’s “consultation with the municipality or community board” in the event the colloquially known “500 Foot Rule” and “200 Foot Rule” are implicated. The Alcoholic Beverage Control Law § 64-7(f) further provides that the purpose of the Authority’s “consultation with the municipality or community board” is to determine whether the license is in the “public interest”. The statute provides no explicit instruction on the Community Board’s function in the “public interest” determination.

While the Alcoholic Beverage Control Law sets forth detailed instruction on the form and manner of applicants’ notification requirements and the New York State Liquor Authority requires applicants’ use of a standardized notice form to Community Boards, the statute provides virtually no guidelines on the criteria – let alone legal standards – the Community Board should apply in the rendering of an advisory opinion.

#### ***A. Requirement of Community Board Involvement***

Section 110-b of The Alcoholic Beverage Control Law, entitled “[n]otification to municipalities,” requires that applicants for certain licenses notify the applicable “municipality” prior to the submission of the application with the State Liquor Authority. Section 110-b(2)(b) of The Alcoholic Beverage Control Law, in turn, provides that the Community Boards are the appropriate public body for notification purposes to “municipalities”.<sup>16</sup> The Alcoholic Beverage Control Law § 110-b(4) provides that the form and manner of the notification “shall be prescribed by the rules of the liquor authority”.

The Alcoholic Beverage Control Law § 110-b(5) provides that “A municipality may express an opinion for or against the granting of such application. Any such opinion shall be deemed part of the record upon which the liquor authority makes its determination to grant or deny the application.”

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<sup>16</sup> The Alcoholic Beverage Control Law §110-b(2)(b) provides as follows:

in the city of New York, the community board established pursuant to section twenty-eight hundred of the New York city charter with jurisdiction over the area in which the premises is located shall be considered the appropriate public body to which notification shall be given.

### ***B. Requirement of Form of Notice***

The Alcoholic Beverage Control Law provides detailed instructions on the form of notice that applicants are required to provide to municipalities. The Alcoholic Beverage Control Law § 110-b(7) provides as follows:

The liquor authority shall require such notification to be on a standardized form that can be obtained on the internet or from the liquor authority and such notification to include:

- (a) the trade name or “doing business as” name, if any, of the establishment;
- (b) the full name of the applicant;
- (c) the street address of the establishment, including the floor location or room number, if applicable;
- (d) the mailing address of the establishment, if different than the street address;
- (e) the name, address and telephone number of the attorney or representative of the applicant, if any;
- (f) a statement indicating whether the application is for:
  - (i) a new establishment;
  - (ii) a transfer of an existing licensed business;
  - (iii) a renewal of an existing license; or
  - (iv) an alteration of an existing licensed premises;
- (g) if the establishment is a transfer or previously licensed premises, the name of the old establishment and such establishment's license serial number;
- (h) in the case of a renewal or alteration application, the license serial number of the applicant; and
- (i) the type of license.

### ***C. Legal Standard for a License to Sell Liquor at Retail for Consumption on the Premises***

The Alcoholic Beverage Control Law § 64 is the source of legal authority on the license to sell liquor at retail for consumption “on the premises”. The Alcoholic Beverage Control Law § 64-1 provides as follows:

Notwithstanding the provisions of subdivision two of section seventeen<sup>17</sup> of this chapter, any person may make an application to the appropriate board for a license to sell liquor at retail to be consumed on the premises where sold, and such licenses shall be issued to all applicants except for good cause shown.

The Alcoholic Beverage Control Law § (64)-7 provides certain restrictions on the licensing for on-premises consumption, colloquially known as the “200 Foot Rule”<sup>18</sup> and 500 Foot Rule”.<sup>19</sup> The Alcoholic Beverage Control Law § (64)-7 provides as follows:

7. No retail license for on-premises consumption shall be granted for any premises which shall be

(a) on the same street or avenue and within two hundred feet of a building occupied exclusively as a school, church, synagogue or other place of worship or

(b) in a city, town or village having a population of twenty thousand or more within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article; . . .

The Alcoholic Beverage Control Law § (64)-7 provides detailed formulas for the measurements in connection with the calculations under § (64)-7 (a) and (b). The Alcoholic Beverage Control Law § (64)-7 further provides exceptions to the § (64)-7 (a) and (b) – the “200 Foot Rule” and “500 Foot Rule”.

***D. Legal Standard for Community Boards’ Advisory Opinion In Connection with a License to Sell Liquor at Retail for Consumption on the Premises***

For the purposes of this memorandum, the exception located in Alcoholic Beverage Control Law § 64-7(f) is critically important because it relates to Community Boards’ involvement in the application process. Alcoholic Beverage Control Law § 64-7(f) provides as follows:

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<sup>17</sup> The Alcoholic Beverage Control Law § 17(2) provides that the authority shall the following functions, powers, and duties “To limit in its discretion the number of licenses of each class to be issued within the state or any political subdivision thereof, and in connection therewith to prohibit the acceptance of applications for such class or classes of licenses which have been so limited.”

<sup>18</sup> Alcoholic Beverage Control Law §64-7(a).

<sup>19</sup> Alcoholic Beverage Control Law §64-7(b).

(a) Notwithstanding the provisions of paragraph (b) of this subdivision, the authority may issue a license pursuant to this section for a premises which shall be within five hundred feet of three or more existing premises licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article **if, after consultation with the municipality or community board, it determines that granting such license would be in the public interest.** Before it may issue any such license, the authority shall conduct a hearing, upon notice to the applicant and the municipality or community board, and shall state and file in its office its reasons therefor. The hearing may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued hearing. Before the authority issues any said license, the authority or one or more of the commissioners thereof may, in addition to the hearing required by this paragraph, also conduct a public meeting regarding said license, upon notice to the applicant and the municipality or community board. The public meeting may be rescheduled, adjourned or continued, and the authority shall give notice to the applicant and the municipality or community board of any such rescheduled, adjourned or continued public meeting. Notice to the municipality or community board shall mean written notice mailed by the authority to such municipality or community board at least fifteen days in advance of any hearing scheduled pursuant to this paragraph. Upon the request of the authority, any municipality or community board may waive the fifteen day notice requirement. No premises having been granted a license pursuant to this section shall be denied a renewal of such license upon the grounds that such premises are within five hundred feet of a building or buildings wherein three or more premises are licensed and operating pursuant to this section and sections sixty-four-a, sixty-four-b, sixty-four-c, and/or sixty-four-d of this article.

As set forth above, the Alcoholic Beverage Control Law provides very limited guidance on the Community Board's role in the Authority's determination of the so-called "public interest" exception, as codified in The Alcoholic Beverage Control Law § 64-7(f).