

## Smithtown served with more subpoenas by Suffolk DA

BY STACEY ALTHERR | [stacey.altherr@newsday.com](mailto:stacey.altherr@newsday.com)

| March 11, 2009

Smithtown was served with more subpoenas yesterday morning, this time seeking documents related to variances considered by the town's zoning board of appeals, town officials confirmed.

It is not known which variances prosecutors were seeking information on, although sources in the town said investigators from the Suffolk district attorney's office focused, this time, on documents from contentious zoning cases.

Yesterday's subpoenas were served in the planning and building departments while the town board conducted a work session. Board members later said they were unaware of subpoenas being served at the time.

Prosecutors would not confirm or deny the subpoenas, and only said the investigation, which began more than two years ago in Smithtown, is "ongoing."

In August 2006, the district attorney's office investigated Robert Bonerba, asking for the former building chief's personal files, expenses, attendance records, pension information and financial forms. Since then, the town has received other subpoenas - including those seeking records from the comptroller's office and the highway, planning and building departments.

Just last week, lawyers confirmed Bonerba was discussing a possible plea deal on a 42-count indictment in which he is accused of taking bribes from builders who worked in the town.

Two of those builders, Robert Fitzpatrick and Frank Esposito, pleaded guilty last spring to charges they each gave Bonerba a \$5,000 bribe in 2003 in exchange for expediting paperwork on the construction of a Nesconset home.