



Sanchez success

East senior wrestler wins League III title, heading to counties

-See story, page 29

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The Smithtown News

THE COMMUNITY'S WEEKLY NEWSPAPER

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February 9, 2023

75 cents

Battle of Bull Run!



With a developer advancing plans to build a 70,000-square-foot, 97-bed assisted living facility on the farmland on Mills Pond Road in St. James (above), area residents and civic leaders are gearing up to oppose the development project. See story, page 3; editorial comment, page 4.

-David Ambro photo

Loud Majority leader declines town job

A week after opposition rally, community uproar, Kevin Smith withdraws from Public Safety employment

By David Ambro

Kevin Smith, the controversial co-founder of the Long Island Loud Majority (LILM), has declined a job in the Town of Smithtown Department of Public Safety, Public Information Officer Nicole Garguilo confirmed Tuesday, February 7.

The Smithtown Town Board voted unanimously January 3 to hire Mr. Smith, of Lindenhurst, to the \$19.91 per hour part-time job as an audio visual production specialist in the Public Safety Department. The hiring set off a firestorm of opposition because of Mr. Smith's involvement with the LILM and his presence at the insurrection at the United States Capitol January 6, 2021. About 100 people attended a rally at Smithtown Town Hall, 99 West Main Street, Smithtown, January 28 at which speakers talked about being doxxed by Mr. Smith on LILM podcasts and social media.

About 15 people attended the Smithtown Town Board meeting Tuesday, January 31 and expressed similar concerns to those expressed at the town hall rally. At last week's town board meeting, Supervisor Edward Wehrheim said that Mr. Smith had not yet

begun work, that he is still undergoing a background check and, depending on the results, he will begin work or not.

In the meantime, an online social media group calling itself Smithtown BOE Explained released a series of hard-hitting, online videos attacking Mr. Smith's character, alleging he has a close personal relationship with Ms. Garguilo, and criticizing Mr. Wehrheim for hiring him to a town job, especially in the Public Safety Department.

Ms. Garguilo said this week that Mr. Smith is "pumping the breaks" on taking the job after speaking to counsel.

In a statement to **The Smithtown News** at press time Wednesday, February 8, Supervisor Wehrheim expressed disappointment about the situation
(Continued on page 14)



BEFORE AND AFTER: The Smithtown Town Board is considering an application for a special exception permit for a 97-bed assisted living facility (rendering below) to be constructed on the historic 9.02-acre Bull Run Farm property on Mills Pond Road in St. James.



Advance plan for farmland project

Developer seeks Town Board approval for 97-bed assisted living on historic Mills Pond Road property

By David Ambro

The historic 9.02-acre Bull Run Farm on Mills Pond Road in St. James is proposed to be demolished, cleared and the land graded for the construction of a 90-room, 97-bed assisted living facility.

The site, which is zoned one-acre single family residential (R-43), is being purchased by Frank Amicizia, of Fort Salonga, who entered into a contract July 17, 2019 with the Elderkin family: Robert Jon, Elizabeth, Allison and Jennifer. Mills Pond Group, LLC, a corporation of the Elderkins and Mr. Amicizia, applied to the Smithtown Town Board for a special exception permit to demolish the existing buildings, which total 12,161 square feet, and build a 72,762-square-foot building that will be 34-feet tall, 14-feet above the tallest building within a quarter mile radius of the site. The site is to be known as Whisper Mills Assisted Living.

Across Mills Pond Road from the proposed assisted living facility are homes and a residential neighborhood. According to an environmental assessment form (EAF) submitted to the town, the construction is expected to cost \$17.5 million and will generate 80 construction jobs

and 75 permanent jobs once the facility is completed.

In his application to the town, Mr. Amicizia estimates the construction will take 14 months. He anticipated to start January 15, 2023 and be completed March 15, 2024. The application, however, has not yet been scheduled for a town board public hearing, which is mandated by law, and opposition to the project is mounting from the St. James-Head of the Harbor Neighborhood Preservation Coalition, which was formed two years ago to fight the industrial development of the 75-acre Gyrodyne property, which is on the southeast corner of Mills Pond Road and North Country Road (Route 25A) in close proximity to the Bull Run Farm property.

According to sources within the opposition, at an upcoming meeting the town board is expected to schedule the public hearing for March 21, though that information has not been confirmed.

Opponents of the Whisper Mills project contend that in order to approve the special exception for the project, the town shall find that “the proposed location is appropriate for such use and gives due consideration to the character of the surrounding neighborhood...” Opponents

argue that the project cannot meet that standard because it is in conflict with the character of the surrounding neighborhood.

According to the EAF submitted to the town by the developer, the proposed assisted living facility will have a ground floor (34,807 square feet) with 40 rooms, a 5,600 square foot outdoor courtyard, a 2,500-square-foot lobby and living room, a 1,340-square-foot bistro, a 1,703-square foot kitchen and food prep area and a 1,000 square foot memory care dining room. On the

second floor (34,807 square feet) there will be 50 rooms, a 590-square-foot lounge, and a laundry room, wine bar, fitness area, decks, library and wellness area. There will also be a 3,148 square foot partial basement for the utilities and elevator pits.

There will also be a parking lot with 74 parking spaces, six more than required. There will be a single driveway to the site, which is located on Mills Pond Road adjacent to the north side of the Port Jefferson branch of the Long Island Rail Road (LIRR).

The wastewater flow from

the site is expected to be 10,670 gallons per day, which is estimated at 110-gallons-per-day per bed. The building, according to the EAF, will be connected to an underground, on-site sanitary treatment system which will be located on the south side of the property adjacent to the train tracks. The treatment system will have a capacity of 15,000 gallons per day, which will be designed to be doubled in size in the future.

In a letter August 12, 2022, Elizabeth Brazee, historic preservation technical (Continued on page 22)



An aerial view looking north from Mills Pond Road of the 9.02-acre Bull Run Farm property.

Legal Notices

Notice of Formation of DBK SENTINEL LCC LLC. Arts of Org filed with Secy. Of State of NY (SSNY) 12/13/22. Office Location: SUFFOLK County. SSNY is designated agent upon whom process may be served against LLC. SSNY shall mail process to the LLC, 12 Poinsettia Ave., Middle Island, NY 11953. Purpose: Any lawful act.

86566 1-3

HAUPPAUGE FIRE DISTRICT NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN, that the Board of Fire Commissioners of the Hauppauge Fire District, in the Towns of Islip and Smithtown, Suffolk County, New York, at a meeting thereof, held on the 1st day of February, 2023 duly adopted, subject to permissive referendum, a Resolution an abstract of which is as follows:

The Resolution authorizes the purchase of one (1) new Smeal 107' Aerial Ladder, and one (1) 2000 GPM Waterous Midship Pumper, both with necessary and related equipment, for a total cost not to exceed \$3,000,000.00, and the expenditure of a sum not to exceed \$3,000,000.00 from monies now in the Fire Apparatus and Equipment Reserve Fund of the Hauppauge Fire District heretofore established for apparatus and equipment.

Dated: Hauppauge, New York February 2, 2023

BY ORDER OF THE BOARD OF FIRE COMMISSIONERS OF THE HAUPPAUGE FIRE DISTRICT IN THE TOWNS OF ISLIP AND SMITHTOWN, SUFFOLK COUNTY, NEW YORK
MICHAEL BUTURLA
DISTRICT SECRETARY
86652 2-2

PUBLIC NOTICE NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Smithtown, Suffolk County, State of New York will hold a Public Hearing to be held at the Town of Smithtown Town Hall, Patrick R. Vecchio Building, Victor T. Liss Board Room, 99 West Main St., Smithtown, NY 11787 on the 16th day of February, 2023 at 2:00 P.M., time then in effect, for Special Exception Petition #2023-01 as submitted by 295 Oser Avenue, LLC located on the south side of Oser Ave., 701.40' W/o Adams Ave., Hauppauge. Property Zoned: Light Industry District, SCTM#: 0800-182-1-30.8 for a Commercial Public Recreation building for an outdoor turf sports training area as an accessory to the existing 1 story 14,848 sq. ft. being more particularly bounded and described as follows:

All that certain piece or parcel of land situate, lying and being at Hauppauge, Town of Smithtown, County of Suffolk, State of New York, known and designated as part of Lot 4 on a certain map entitled "Map of Heartland Industrial Park, Section 1 and filed in the office of the Clerk of Suffolk County on April 10, 1973 as number 5892, being more particularly bounded and described as follows: Beginning at a point on the southerly side of Oser Avenue distant 701.40 feet westerly from the westerly end of a curve connecting the southerly side of Oser Avenue and the westerly side of Adams Avenue; Running thence the following three (3) courses and distances:

1) Due South a distance of 375.00 feet to a point;
2) Due West a distance of 138.50 feet to a point;
3) Due North a distance of 375.00 feet to the southerly side of Oser Avenue;

Thence Due East along the southerly side of Oser Avenue 138.5 feet to the point or place of beginning.

AT THE AFOREMENTIONED TIME AND PLACE, a public hearing will be held and all interested persons shall be given an opportunity to be heard.

Dated: January 31, 2023
BY ORDER OF THE TOWN BOARD
OF THE TOWN OF SMITHTOWN
SUSAN DEHAVEN
DEPUTY TOWN CLERK
86630 2-1

PUBLIC NOTICE

PUBLIC NOTICE, pursuant to Article 16 of the Town Law and the Subdivision Regulations of the Town of Smithtown, is hereby given that the Planning Board of the Town of Smithtown will hold a meeting at the Eugene A. Cannataro Senior Citizens Center, 420 Middle Country Rd., Smithtown, NY 11787 on Wednesday, February 15, 2023 at 6:00 P.M. to consider the following at which time all interested persons may appear before the Board to be heard on these matters. Advertised matters are subject to being recessed by the Planning Board:

EXTENSION OF CONDITIONAL FINAL APPROVAL FOR SUBDIVISION known as #1172 PLYMOUTH ESTATES, final plat owned by Tasso Schien, 50 Hancock Rd., West Islip, NY 11795 located on the east side of Plymouth Boulevard, 167.55' N/o Colony Court, Smithtown, Town of Smithtown, Suffolk County, NY (SCTM#: 71-3-10), R-10 Zoning District.

The Board will consider the request of Taso Schein to retroactively extend the conditional final approval so as to expire on August 12, 2023.

EXTENSION OF CONDITIONAL FINAL APPROVAL FOR SUBDIVISION known as MAP OF OPEN MEADOW, #1156 Final plat owned by Hala Kiridly, 95 Smithtown Blvd., Smithtown, NY 11787, c/o Vincent J. Trimarco, Esq., 1038 W. Jericho Tpke. Smithtown, NY 11787, located on the north side of Sunken Meadow Rd., 616.89 ft. west of Crestwood Dr., Fort Salonga, Town of Smithtown, Suffolk County, NY. (SCTM#: 0800-5-2-19).

R-43 Zoning District. The Board will consider the request of Hala Kiridly c/o Vincent J. Trimarco, Esq. to retroactively extend the conditional final approval so as to expire on August 3, 2023.

EXTENSION OF C O N D I T I O N A L PRELIMINARY APPROVAL for #1169 KOHR LAND DIVISION, located on the west side of Kohr Rd., 200 ft. south of Valley Rd., Kings Park, Town of Smithtown, Suffolk County, N.Y. (SCTM#: 0800-8-1-4) Zoning District: R-15.

The Board will consider the request of Thomas & Patti Burch, 248 Kohr Road, Kings Park, NY 11754 to retroactively extend the conditional preliminary approval for a period of six months so as to expire on August 6, 2023.

Dated: February 6, 2023
By Order of
SMITHTOWN PLANNING

BOARD
BARBARA DE SORBE,
CHAIRMAN
86654 2-2

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF SUFFOLK WELLS FARGO BANK, NA, SUCCESSOR BY MERGER TO WELLS FARGO BANK SOUTHWEST, NA, N/K/A WACHOVIA MORTGAGE FSB F/K/A WORLD SAVINGS BANK, FSB, Plaintiff,

v. DIANE COGLIETTA A/K/A DIANE A. COGLIETTA, FRED COGLIETTA A/K/A FRED F. COGLIETTA, ET AL., Defendant.

NOTICE OF SALE IN FORECLOSURE PLEASE TAKE NOTICE THAT

In pursuance of a Judgment of Foreclosure and Sale entered in the Office of the County Clerk of Suffolk County on September 24, 2014, I, John Zollo, Esq. the Referee named in said Judgment, will sell in one parcel at public auction on March 14, 2023 at Smitown Town Hall, 99 West Main Street, Smithtown, NY 11787, County of Suffolk, State of New York, at 9:30 AM the premises described as follows:

4 Northfield Lane Saint James, NY 11780-3513 002.00-02.00-009.017

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Smithtown, County of Suffolk, State of New York.

The premises are sold subject to the provisions of the filed judgment, Index No. 029793/2009 in the amount of \$1,986,021.87 plus interest and costs.

The aforementioned auction will be conducted in accordance with the Court System's COVID-19 mitigation protocols and as such all persons must comply with social distancing, wearing masks and screening practices in effect at the time of this foreclosure sale. Stuart Frame Woods Oviatt Gilman LLP Plaintiff's Attorney 500 Bausch & Lomb Place Rochester, NY 14604 Tel.: 855-227-5072

86642 2-2

PUBLIC NOTICE INCORPORATED VILLAGE OF NISSEQUOGUE

NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals will meet to hold a Public Work session on Saturday, March 18th, 2023 at 10:00 a.m. at the Nissequogue Village Hall, 631 Moriches Road, Nissequogue, New York.

Dated: February 6, 2023
By Order of Michael Fazio Chairman Board of Appeals

86670 2-2

VILLAGE OF NISSEQUOGUE 631 MORICHES ROAD ST. JAMES, NEW YORK 11780 BOARD OF APPEALS PUBLIC NOTICE

Pursuant to the provisions of Chapter 128 of the zoning ordinance of the Village of Nissequogue, NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Village of Nissequogue will hold a continuance Public Hearing at the Village Hall, 631 Moriches Road, St. James, NY on Monday, March 20, 2023 at 7:00 PM to consider the following: Revised submission from the original Public Hearing which was held on Monday, January 23, 2023.

In the matter of the application of Meghann & Gregory Bohle,

Mounting up to fight Bull Run Farm plan

(Continued from page 3)

specialist for the state Office of Parks, Recreation and Historic Preservation (OPRHP), notified Whisper Mill project engineer Dillon Graham, of R&M Engineering, of Huntington, that the site is historic and eligible for inclusion on the National Register of Historic Places.

"Based upon our determination that the Elderkin Farm is historic, we note that demolition of the contributing farm buildings and redevelopment of the site is an adverse impact. As a result, the project might not be eligible for a general construction permit (GCP) unless adverse impacts to historic resources can be resolved."

According to the Brazee letter, the OPRHP requests that an "alternatives analysis" be undertaken by the developer. "This analysis should include a thorough exploration of alternative sites, treatments and/or plans that would avoid or minimize harm to the historic resources of the Elderkin Farm.

The developer responded to the Brazee letter November 2, 2022 with a report by John Neitzel, of the architectural firm, JMN Architecture P.C. of St. James, disagreeing that the site is eligible for inclusion on the National Register. He argues that the property has not been used as a farm "for quite some time," and that it has been "significantly modified from its original character which existed when Robert B. Elderkin, Jr., first took ownership back in 1928."

According to Mr. Neitzel, Mr. Elderkin sold off lots in 1947, 1976 and 1984 for residential development.

He further argues that there are now three separate lots with different owners and varied uses.

"As can be seen from the foregoing discussion, documentation and the historical consultants report, many of the items addressed in OPRHP's August 12, 2022 resource evaluation are not applicable to the subject property and their historical relevance and integrity is, moreover, no longer intact," says the Neitzel letter. "Therefore, the developer is requesting reconsideration in the OPRHP's assessment that the property is eligible for the National Historic Register under 'Criterion A' in the area of agriculture."

Robert J. Elderkin, son of the prior owner, submitted an affidavit in which he outlines in detail the history and modifications made to each of the buildings on the property and the selloff of the lots by J.M. DiSimone Associates, Inc., which is operated by Eric Neitzel, an agent for Mr. Amicizia.

At the same time, the site plan submitted to the town with the application states that the existing use of the property is farmland. There are horses that can be seen grazing on the property presently.

Development of the assisted living facility on the Bull Run Farm/Elderkin site has been underway since the fall of 2020. The application for the special exception permit was submitted to the town in November 2022. The opposition, according to sources, is gearing up to fight the project in advance of an anticipated March 21 public hearing.

5 Short Path, St. James, NY 11780 for the application to add a swimming pool, patio and fencing which were denied for zoning by the Village of Nissequogue Building Department.

1. Village Code 128-24 B (5) requires a side yard setback of 60' and 80' not to be less than 140' and applicant is proposing a reduction of the 60' side yard setback to 26'.

2. Village Code 128-24 B (7). Requires a rear yard setback of 60' and applicant proposes a 25' setback.

3. Village Code 128-24 B (5) requires a side yard setback of 60' and 80' not to be less than 140' and applicant is proposing a reduction of the 60' side yard setback to 7'5" for pool equipment.

4. Village Code 128-33 C requires any swimming pool and all its appurtenances and accessories shall be located entirely in the rear yard of the premises. Specifically, they shall not be located in any front yard or in any portion of the lot located in the space created between the nearest roofed portion of the principal building or buildings and the side lot lines and extending from the curblin

to the rear property line. The applicant is proposing that the pool and its appurtenances and accessories be located in the side yard.

5. Village Code 128-27 E (2) (k) specifically prohibits chain-link fence, except surrounding pools and tennis courts and applicant proposes a chain-link fence surrounding the yard.

6. Village Code 128-27 D states any fence or wall shall be placed at least one foot back from the property line. Any fence erected in a front yard shall be placed at least 25 feet back from the property line. The applicant proposes the fence be placed on the property line.

Property is located on the north side of Short Path - 450 feet East of Long Beach Road in the

Village of Nissequogue, SCTM 802-3-3-6.

Dated: February 6, 2023

By Order of: Michael Fazio - Chairman Board of Appeals

86669 2-2

VILLAGE OF NISSEQUOGUE 631 MORICHES ROAD ST. JAMES, NEW YORK 11780

BOARD OF APPEALS PUBLIC NOTICE

Pursuant to the provisions of Chapter 128 of the zoning ordinance of the Village of Nissequogue, NOTICE IS HEREBY GIVEN that the Zoning Board of Appeals of the Village of Nissequogue will hold a Public Hearing at the Village Hall, 631 Moriches Road, St. James, NY on Monday, March 20, 2023 at 7:00 PM to consider the following:

In the matter of the application of Glenn & Keisha Wieboldt, 698 Short Beach Road, St. James, NY 11780 for the application for fencing to increase to five feet in height which were denied for zoning by the Village of Nissequogue Building Department.

1. Village Code 128-27 C (1) Rear yards. (A) No constructed fence or wall shall be more than four feet in height at the rear of homes and buildings, except for:

(1) Fences to contain horses, which shall be no more than six feet in height, and (2) Fences for tennis courts which have been approved by the Planning Board, which shall be no more than 12 feet in height.

2. Village Code 128-27 C (3) Side yards. No constructed fence or wall shall be more than four feet in height at the side of homes and buildings except for:

(a) Fences to contain horses, which shall be no more than six feet in height; and (b) Fences for tennis courts

which have been approved by the Planning Board, which shall be no more than 12 feet in height.

Property is located on the south side of Short Beach Road - 741.62 feet West of James Neck Road in the Village of Nissequogue, SCTM 802-8-1-11.7.

Dated: February 7, 2023

By Order of: Michael Fazio - Chairman Board of Appeals

86684 2-2

NOTICE OF COLLECTION OF TAXES INC. VILLAGE OF HEAD OF THE HARBOR

PLEASE TAKE NOTICE that I, the undersigned, Treasurer of the Inc. Village of Head of the Harbor, have received the tax roll and warrant for the collection of village taxes for the fiscal year March 1, 2023 through February 29, 2024. Payment can be made in person March 1, 2023 through April 3, 2023 at the Office of the Treasurer, Village Hall, 500 North Country Rd. 2 fl., St. James, NY 11780 from 10:00 a.m. to 2:00 p.m. on Mondays and Wednesday, excepting holidays. No partial payments can be accepted.

Payments may be made by check payable to the Village of Head of the Harbor and mailed to the Treasurer's Office, 500 North Country Rd., St. James, NY 11780, and must be postmarked no later than April 3, 2023, to avoid penalty.

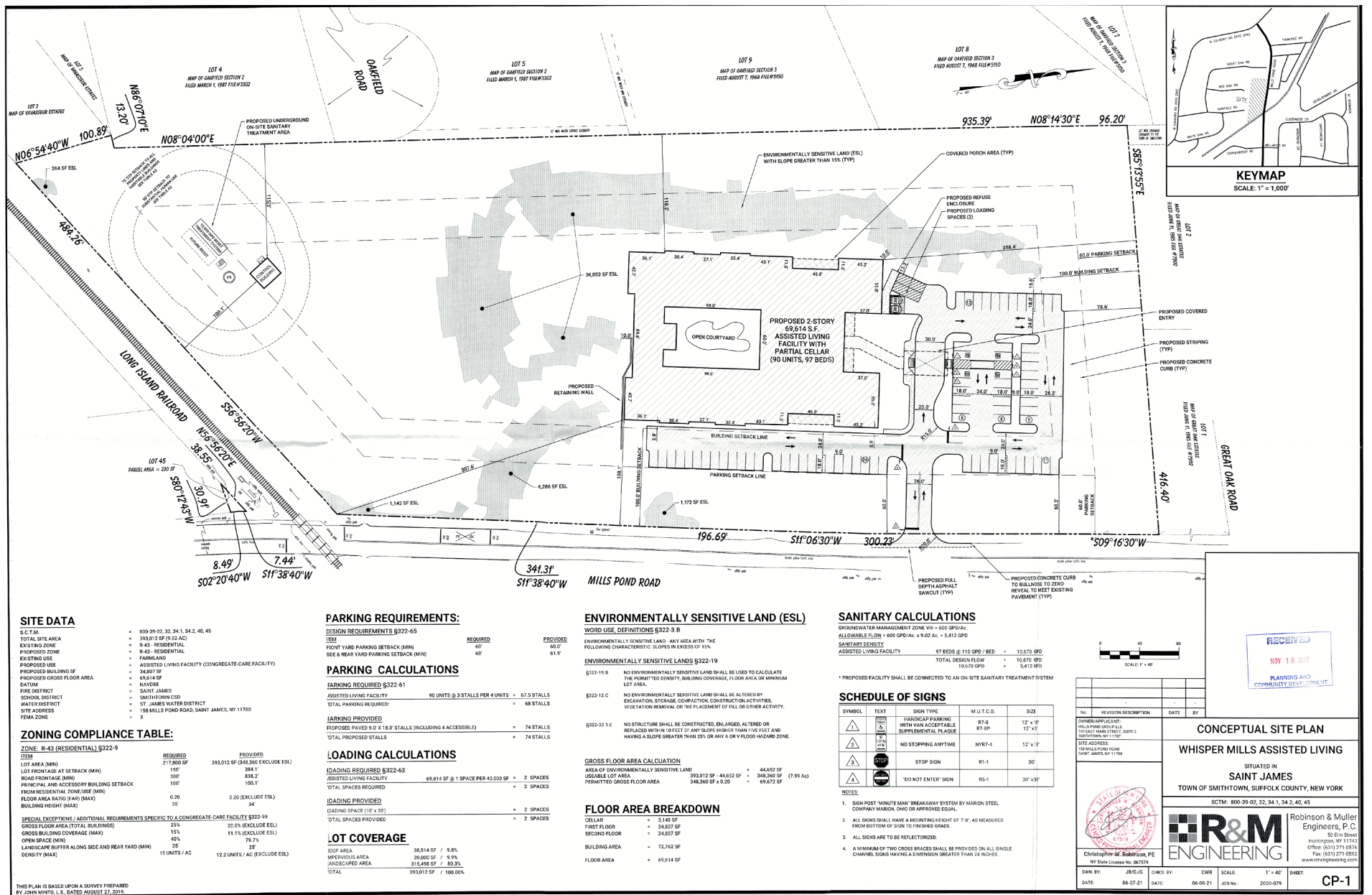
PLEASE TAKE FURTHER NOTICE that on all such taxes remaining unpaid after April 3, 2023, five percent will be added for the first month, and an additional one percent for each month and fraction thereof until such taxes paid.

Dated: February 8, 2023

Patricia Mulderig Village Treasurer

86688 2-2

Editorials & comments



Assisted living not in character with Bull Run Farm

On the “character of the surrounding neighborhood” issue alone, the Smithtown Town Board should reject the application to build a 97-bed assisted living facility on the historic Bull Run Farm site on Mills Pond Road in St. James.

The 9.02-acres of farmland is a pastoral setting,

a barn, a farmhouse, a cluster of accessory farm buildings, and horses grazing on a grassy hillside that present a rustic setting for which St. James is revered and celebrated.

Now, though, a developer is proposing to clear 12,000-square-foot of farm buildings, level the hillside and construct a two-story, 70,000 square foot assisted living facility with 90 rooms and 97 beds, dining rooms, amenities, and a 15,000-gallon-per-day septic system. The application requires a special exception permit and site plan approval from the Smithtown Town Board.

Assisted living facilities are not offensive uses. Benchmark’s Whisper Woods on Route 25A in Smithtown is a terrific facility and Sunrise Assisted Living on Route 111 behind Village of the Branch Village Hall is a nice facility. They are local examples of a necessary housing option that has proliferated across Long Island over the past three decades. When proposed, they were expected to be intrusive on the community, but once built that has turned out not to be the case.

In the case of Bull Run Farm, however, the location seems noticeably inappropriate. The site is deep into a residential area, bound by homes and a historic district that includes the Town of Smithtown owned Mills Pond House (home to the Smithtown Township Arts Council) on the southwest corner of Mills Pond Road and North Country Road (Route 25A).

With its editorial voice, this newspaper joined the St. James/Head of the Harbor Neighbor Preservation Coalition in opposition to the industrial development of the 75-acre Gyrodyne property on the opposite corner from the Mills Pond House. One of the arguments in the forefront of the opposition is that St. James is a special and important bucolic environ that is disappearing on Long Island and in Smithtown

and this is an area that deserves to be preserved.

The same thing has to be said for Bull Run Farm. This is going to be a large institutional building in a residential and historical neighborhood that threatens the bucolic setting the Flowerfield fight represents. If you build a 70,000-square-foot building at Bull Run Farm you might as well build out Gyrodyne.

Bull Run Farm has to be the benchmark of what the future holds for St. James. Before it approves the special exception permit for the assisted living facility on Bull Run Farm, the town board must determine that the “proposed location is appropriate for such use and give due consideration to the character of the surrounding neighborhood...”

If the town board gives due consideration to the surrounding neighborhood, it will see that Bull Run Farm is not the appropriate location. Of course that is a subjective opinion, and others will disagree, but this is an issue that deserves careful consideration for it will determine the future character of St. James and what it will become.

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