

MOTION NO. (683/22) OP 22-00329. -- IN THE MATTER OF HBC VICTOR LLC,  
PETITIONER, V TOWN OF VICTOR, RESPONDENT. -- Motion to confirm the report  
of Edward C. Gangarosa, Esq., as referee to report, dated December 4, 2023,  
granted to the extent that petitioner is awarded reasonable attorney's fees  
and costs in the total amount of \$119,345.14 (see CPLR 4403; *Campbell v New  
Way Life, Inc.*, 190 AD3d 928 [2d Dept 2021] [the court may "confirm or  
reject, in whole or in part . . . the report of a referee and may make new  
findings with or without taking additional testimony"]). The application  
is for \$119,642.45, but is reduced by \$277.29, representing professional  
fees that are not supported by substantial evidence (see *Flagstar Bank,  
F.S.B. v Konig*, 153 AD3d 790, 790-791 [2d Dept 2017]), and \$20.02,  
representing alcoholic beverages that are not reimbursable, resulting in a  
final total award in the amount of \$119,345.14. PRESENT: LINDLEY, J.P.,  
CURRAN, BANNISTER, AND OGDEN, JJ. (Filed July 25, 2025.)