

NYers head to court to save their businesses

February 6, 2008 by David Freedlander, amNewYork Staff Writer [More stories / dfreedlander@am-ny.com](#)

Fighting to stay in their century-old Harlem home, a group of commercial tenants has taken their case to State Supreme Court just days after the building's demolition was stayed.

The lawsuit, filed on behalf of the Harlem Tenant Association, alleges that Kimco Realty, a multibillion-dollar developer of mini-malls, has broken lease agreements with several tenants to force them out.

"If our neighborhood just becomes a mall, the cultural piece of it will not be there," said Vera Wilson, who, along with her two sisters, has operated the House of Seafood Restaurant on the location at 125th Street and [Frederick Douglass](#) Boulevard for 14 years. "It wouldn't have that social climate that our place has, where people come and visit and sit together. All of that would be gone."

Kimco bought the building in the fall for \$30,000,000, or \$1,429 per square foot, a record for retail space in Harlem. The company is seeking to turn the structure into a large shopping mall. The sale was brokered by Eugene Giscombe, whose company Giscombe Henderson, managed the property for more than two decades.

Tenants were also angry that Giscombe, who is chairman of 125th Street Business Improvement District, asked them to contribute to the BID through the years and then sold when their financial investment began to show signs of bearing fruit.

"We paid to improve our community and they turn around and sell us out," said Janet McLoyd, co-owner of House of Seafood. "We wanted to pass it on to our kids and our grandkids and then we are told we have 120 days to vacate. They have no consideration or compassion. It's unbelievable."

Giscombe declined to comment. Fred Winters, a spokesman for Kimco, said all business would have the opportunity to come back into the new space and that financial help was being provided for businesses who have to move.

But many tenants say they have been left wondering how they can keep their businesses going in a neighborhood where rents have risen astronomically.

"We have too many responsibilities to our clients to close up shop, but I actually don't know what we're going to do," said Victor Body Lawson, an architect whose office is in the building.

He borrowed \$250,000 last year to improve and expand his office space with the understanding that he would be able to stay there for years. He now worries about what will replace the old taxpayer building he has rented since 1996.

"They want to put a huge shopping center here that isn't going to have anything to do with the Harlem that exists," he said.

Last week, State Supreme Court Justice Emily Jane Goodman issued a temporary order forbidding the demolition of the building while the case winds its way through the courts.

"This is Harlem's last stand," said Adam Leitman Bailey, who is representing the business owners. "This block has been at the center of the civil rights movement and the cultural and business capital of the black world."

Winters, the spokesman for Kimco, said his company behaved properly.

"We've been negotiating in good faith and have signed agreements with most of the tenants. This seems to be just part of Adam Bailey's bizarre tactics."

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