

Candyman says evicting church has no heart

Alan Silver, owner of Candy World on Chambers St., says I just want to sell chocolate but his landlord, St. Peter's Episcopal Church of the Bronx, wants to evict him.

In the annals of clashes between landlords and tenants in this city, Alan Silver's court battle with his landlord would normally be nothing more than a footnote. The owner of Candy World, a densely stocked 1500-square-foot confectionery in Lower Manhattan, failed to pay his rent for two consecutive months and as a result, says the building's owner, he has to go.

But the way Silver sees it those were no ordinary months. And his landlord, if anyone, should understand that. In September and October of 2001, Silver failed to send his monthly payment of \$5,048 to St. Peter's Episcopal Church of the Bronx, from whom he had leased the space at 88 Chambers St. for more than four years.

"Thousands of churches from all over the world came here to help people after Sept. 11," said Silver, surveying the ash silhouettes of stuffed animals that still stain his walls. "And here's one



church, which is supposed to represent God, acting selfishly and as though nothing happened."

After 9/11, Candy World, like the entire area south side of Chambers St., was fenced off to foot traffic and Silver wasn't even allowed in to check out the damage to his shop. In October, he was finally allowed to return to his store, which sits on Chambers St. five blocks from the site of the World Trade Center, only to find it devastated. The machines used to mix the creamy chocolate he makes each day had burned out due to the electrical mayhem in the neighborhood. His refrigerators were dead. Gallons of milk had curdled. And, of course, there was the dust. "The place was covered. We still have dust in our cash register which we can't get out."

In his 30 years selling chocolates, sweets and small gifts in three different locations along Chambers

St., Silver says, he had never missed a payment to any of his landlords. But in late October he received his first letter from St. Peter's Episcopal saying they had used his security deposit to cover his unpaid rent and expected him to come up with a new deposit.

Silver responded with a letter of his own, dated Oct. 31, 2001, pleading his case and asking the church to send him the rent due bills so that he could take advantage of the Red Cross's voucher program, which helped residents in the area pay their rents for the month. "I am trying to get the rent, even though the area was closed off due to the 9/11 disaster," he wrote. "Please send back the required forms and bills ASAP."

Instead, he received another letter from the church, dated Nov. 11, 2001, which informed him that he had now missed two months' rent. By the time his five-year lease expired at the end of May, Silver still hadn't convinced the church to forgive his defaults. He was informed that he was no longer a tenant in good standing and that he was to vacate the storefront immediately. Since then, Silver has been fighting the eviction.

John Palmeri, the lawyer rep-

resenting the church in the eviction case, did not return several phone calls last week. St. Peter's regular lawyer, Donald McKay, refused to comment in detail on the proceedings, saying only, "The church has no position on this. They own the building. The gentleman is default on his rent. That's all there is to it."

Silver says he paid 50 percent of his rent until June because he had a verbal agreement with the church to pay less to compensate for the reduction in foot traffic on the street. McKay said "don't believe everything you hear" but did not directly deny Silver's claim.

Adam Leitman Bailey, who is representing Silver pro bono as part of the September 11 Legal Initiative of the City Bar Fund, said he is perplexed by the church's inflexibility. According to Bailey, most landlords he has dealt with have "bent over backwards" to accommodate tenants that failed to comply with the terms of their leases as a result of the attacks. "This church is not only dealing with the World Trade Center tragedy without tears and mercy," said Bailey, "they're also not in compliance with New York City law."

In August, Bailey was able to have St. Peter's case dismissed on technicalities. They responded with a new eviction notice. Last week, in their second round in court, a judge ordered a mediation session between Silver and St. Peter's, scheduled for Nov. 5.

Silver, 58, says the judge's decision provides at least temporary relief. "It's a little extra time before whatever happens happens."

Leaning against a glass case

filled with cashew patties and seemingly endless varieties of dark, milk and white chocolate creams, Silver says, "I just want to sell chocolate. People come in here hurting-they lost their job, their homes, many lost family-and they come in for a little fix, to feel good," said Silver, a rotund, ebullient man who spends his afternoons tucked away at the back of his store, greeting his customers, many by name.

"Si, how are you doing?" he asks as Si Gottlieb makes his way down the aisle of glass and acrylic jars filled with nuts, trail mixes and jawbreakers.

Gottlieb, a retired computer programmer, has been buying chocolates and nuts at Candy World for over 23 years. "This place is a neighborhood store in the truest sense. It has it's own personality," said the 65-year-old. "This is one of the few stores on Chambers St. that I'd actually miss."

For now, Silver, who lives in Bensonhurst with his wife and three young children, is simply going about his business until the eviction case is settled. Asked if he plans to make the store a family business as his children grow up, his cheeks swelled into one of his signature smiles and said, "I'm sure they'll be helping me." He paused for a moment, then added, "That is, if I'm still in business."