

Among Somerset Mall merchants

Sunday store hours spark dissent

By KATIE KERWIN

Somerset Mall merchants who don't comply with the mall owner's recent decision to open on Sundays may find themselves in court, according to several of the unhappy merchants who have received eviction notices.

"This is very difficult for those of us who have small businesses," said Riki Schaffer, owner of Chocolatissimo, a candy store which opened at the mall in December. "I have tried it and I don't find it worthwhile." She said that the Sunday shoppers are not like the usual customers, often just looking or buying only one or two pieces of candy. "My employees don't want to work on Sunday," Ms. Schaffer added. "I feel real strongly about having a day of rest." She said she thinks that only the large stores like Saks are doing well on Sundays.

The extension of hours was an attempt to compete with other suburban malls, most of which are open on Sundays, according to Henry Velleman, of Frankel Associates, which owns the mall. The decision to open on Sunday shopping was also made to accommodate working people who don't have an opportunity to shop during the week, he said.

Customer response has been "very encouraging," Velleman said. "Every week it appears to be getting better." Some of the merchants are doing 50-60 percent of the amount of business they do on Saturdays, he said. "I think everyone is doing relatively well."

Several of the stores not presently open to Sunday shoppers are planning to open in March, he added. "No undue pressure" has been applied to merchants unwilling to open on Sundays, Velleman said, but the mall "requires that any tenant comply with his lease." Chocolatissimo, which is in violation of

its lease by refusing to comply with the mall's decision to open, has received an eviction notice. The store has until March 2 to reconsider. At that time the mall owner, Frankel Associates, may begin legal proceedings to evict the merchant.

Ironically, Ms. Schaffer said, a major consideration in her decision to locate in Somerset Mall was the fact that it was not open on Sundays.

Ken Rogin, owner of MacKenzie's and MacKenzie's Polo shop, said he has received eviction notices for both his stores. Only the polo shop is currently in violation of its lease by refusing to open for Sunday business, he said, adding that he was not sure why he had received the second eviction notice.

Rogin is adamant in his opposition to the Sunday store hours. "I feel that the business that would be done is business that would otherwise be done at other times," he said. "All it's going to do is take away from Saturday or Thursday night business. We're open plenty of hours."

Rogin said the merchants were informed at a meeting in mid-December that the decision to open on Sundays had been made. He said the tenants were informed that the decision was final and not open for discussion. "I really don't like the idea of the landlord telling me what hours to keep," he said.

Rogin said that he then called a meeting of all the stores that did not want to open Sundays, regardless of their lease. Seventeen merchants attended that meeting he said. Not all the stores opened for the first Sunday of business, Jan. 7, but now all but about six of the 36 stores have decided to comply with the mall's directive. Several more have indicated that they will open soon, for at least a trial period.

As a local, independent owner, Rogin indicated that he has more freedom to decide his store's course than the local managers of some of the nationally-owned stores. "I am prepared to go to court and fight it to the best of my ability," he asserted.

"WE ARE OPEN on Sunday, against my better judgement," said Steve Fuller, manager of the Somerset branch of Mark Cross. "As a branch, I can only do what my New York office says. Personally, though, I'm deadset against it."

Fuller said the Somerset store is the only Mark Cross store in the country that is open on Sunday. He said that sales figures for Sundays have been "modest," and that when personnel and operation costs are considered, "it really hasn't been worth it. But we have to go by what our lease says."

Fuller said that when he reported sales figures from the first Sunday of business to his New York office, he was instructed not to continue opening on Sundays. That instruction was soon reversed, he said, attributing the change in decision, "basically because of pressure from Mr. Frankel." The owner's attitude has been "keep the hours or get out," Fuller said. Sunday business at Bonwit-Teller, though, has been "just fabulous," according to Bonnie Sheets, assistant store manager. "We've been doing probably a third to half of our Monday business," she said. Sunday reaction has been favorable, adding that the new hours are convenient for those who work during the week.

Sunday ranks fourth in business volume at Colony Interiors, according to manager David Sklar. Business has been "pretty good," he said, adding, "Those who have come in have been very happy."

Gulian's is among the stores which have refused to open, said manager Charlie Cramer. "It's against our policy and 64 years of customary hours."

Cramer said the matter may end up in court, since Gulian's is in violation of its lease by remaining closed on Sunday. Cramer said the store has had few

complaints from customers once the merchant's position had been explained. "Everybody needs a day off," Cramer said.

Considerable pressure has been put on the non-conformists, Cramer indicated. "The mall is employing scare tactics," he said. Especially vulnerable are tenants whose leases expire this year, he added.

EDITH KLEIN, owner of Continental Exclusives, said that her store is open on Sundays. "I feel I have to...at least give it a fair try," she said. As for business volume: "I have good Sundays and I have bad Sundays," she said. "Personally, I think it is inconvenient for the merchant," Ms. Klein added. "We all need a day off." But, she said, the new policy is advantageous to the customers and the store's job is to serve them.

Walton-Pierce is under no obligation to do business on Sunday, according to its lease, said Eileen Leonard, store vice president. The store has not been open on Sundays. "We don't feel it's necessary," she said.

THE SUNDAY HOURS are working out "much better than we'd anticipated," said Peg DuBois, spokesman for the Somerset Merchants Association. "It appears that our customers are very pleased." Somerset merchants are "doing very good business," she said.

The decision to extend mall hours was made in recognition of the changing desires of customers, she said. "We're here to serve customers when they want to be served," Ms. DuBois said. "It's quite obvious from the response that our customers want to shop on Sunday." Another merchant, who did not wish to be identified, said he estimated that many of the stores did only 10 percent of regular business on Sundays. The mall owner, he charged, was attempting to "rule through intimidation."

The issue of extended hours is complicated by the variety of different leases held by mall tenants. Some are required to open for whatever hours the landlord determines, others must follow the lead of Saks, Bonwit-Teller and 75 percent of the space in the mall, while still others are under no obligation to open on Sundays.



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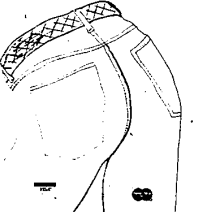
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