

The Scarsdale Inquirer

Founded in 1901

FRIDAY, MARCH 20, 2009

Border skirmish erupts over easement at SWC

By ILENE NECHAMKIN

The Scarsdale Woman's Club, at 37 Drake Road, and the owners of 3 Obyr Drive are disputing the use of a 15-foot-wide strip of land at the property line in state Supreme Court, Westchester County.

The club claims the property is an easement – the club's sewer line runs beneath it – known as Rowsley Drive that has been recorded in the deed to the property since the 1920s. But in May 2008 the property owners, Michael and Amy Liss, planted bushes on the strip and “allowed vegetation to overhang and impede the club's use of Rowsley Drive,” club vice president Carol Sarcinella said.

“In discussions with club officers,” she said, Michael and Amy Liss of Obyr Road “have indicated they intend to prevent the club's use of Rowsley Drive.”

The lawsuit was filed reluctantly, she said, and only after months of discussions with the Lisses. “It was something we thought about very carefully and didn't want to do,” she said.

“The matter is in litigation, and I have no comment,” said Amy Liss. “It's obviously unpleasant.”

Luisa Hagemeyer of Pryor Cashman, the club's attorney, said that an easement is “the right to use property that you don't own.” The easement in question runs parallel to the southern border and connects the club's directors' parking lot to Obyr Drive.

She said that the club charges the Lisses with violating the easement. The club also seeks a judgment declaring its rights to the easement.

Sarcinella said that sometime in the 1930s, prior owners of 3 Obyr unsuccessfully challenged the use of the easement.

The woman's club executive board has advised the membership that enforcing its rights is “especially important” now that the clubhouse, called Rowsley, has been placed on the National Register of Historic Places. “Among other things, the easement affects the value of the club's property and provides a means of access to emergency vehicles. Club officers have devoted many months attempting to resolve the issue amicably with the Lisses, to no avail.