



# CENTRAL PERMIT OFFICE

CITY OF SYRACUSE, MAYOR BEN WALSH

## Encroachment Permit Application Instructions

**Overview:** The Encroachment Permit is required to *encroach* upon any portion of public space, *right-of-way*, or easement area with permanent or temporary structures in the City of Syracuse.

### Definitions:

*Encroach:* To construct, erect, or maintain in, over, or under any public space, right-of-way, easement, roadway, parking strip, and/or sidewalk, including the airspace above them, any structures permanent or temporary in nature.

*Major Encroachment:* Permanent in nature where removal of the structure is difficult, expensive, or requires special equipment.

*Minor Encroachment:* Temporary in nature where the structure can be removed with minimal effort or expense.

*Right of way:* The land and facilities that are maintained and regulated for public use, typically roads and sidewalks and the utilities and amenities on, under, or above them.

### Application Contents:

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### Permit Requirements

- Only the owner of the adjacent property can apply for an Encroachment.
- The Property Owner accepts all liability and responsibility for maintaining the encroaching improvement.
- The Property Owner must remove the encroachment at the City's request. In the event the City removes the encroachment the owner may be charged.
- The Property Owner must restore the right-of-way to City of Syracuse standards when the improvement is removed.
- Please refer to **Encroachment Types and Examples** for sample encroachments and the appropriate way to request approval. Some types of improvements or uses require a different application and review process.
- Multiple improvements in one location can be included in one application.
- Encroachments are revocable, i.e. the City can cancel the Encroachment Permit.

### Application Checklist

- Completed Encroachment Permit Application, signed by the owner of the property adjacent to the right-of-way.
- Copy of Stamped Survey Map (must be to scale, not reduced): for the private property abutting the street right-of-way in question.
- Stamped or Signed Site Plan (must be to scale, not reduced): showing specific location and distances from front of main building abutting right-of-way, front and side property lines, curbs, sidewalks, sidewalk widths, and driveways and improvement dimensions (lengths, widths, and heights) for all encroaching features. Also, for fencing, location of any gates and direction they will open. The proposal can be drawn (to scale) on a copy of the property survey, but applicant must initial all changes made to the stamped survey and cross out the surveyor's stamp.
- Elevation drawing or manufacturer's catalogue cut of any features of the improvement. If you submit full size architectural drawings or survey maps, you must also submit one additional copy no larger than 11" x 17" or an electronic copy.



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## Submittal Instructions:

1. Application must be completed in its entirety. Incomplete applications will not be processed.
2. Application and additional documents must be submitted to:

### City of Syracuse, Central Permit Office

One Park Place

300 South State St.

Syracuse, NY 13202

315-448-4754 | [permits@syr.gov](mailto:permits@syr.gov)

## Encroachment Application Review Process:

1. Completed application and all required documents are submitted to the Central Permit Office:
  - If the application package is determined complete, it is accepted and circulated for review.
2. Application and plans are reviewed:
  - The Commissioner of Public Works makes the final determination regarding whether the proposed (or existing) improvement is a Major Encroachment, a Minor Encroachment, or requires a different type of approval or review process.
  - Encroachment may be issued at the discretion of the Commissioner of Public Works, the City Engineer, the Zoning Administrator or their respective designee.
  - Among the factors that will be considered in the review are the proposed improvement's:
    - Adverse impact on public space open to vehicular or pedestrian travel.
    - Unreasonable interference with the rights of the public.
    - Benefit to public interest, safety, or convenience (e.g. supports or protects the City streets).
    - Proposed structure normally associated with residential use of the property.
    - Impact on any City Department's responsibility to maintain the public right-of-way.
    - Permitted by right (allowed without need of review by the City) if on the abutting private property.
    - If not permitted as a matter of right on the abutting private property, if any adverse effect would be created from the improvement.
    - Potential to impair or interfere with any utilities, monuments, or other land survey or geodetic considerations.
    - Potential to disrupt or interfere with the functioning of or plans for the respective area within the street right-of-way.
3. After review by City departments:
  - Encroachments are legislative requests, which require approval by the Common Council. An encroachment request will only be heard by the Common Council after favorable review by City departments, local utility companies, and other reviews deemed necessary by the Commissioner of Public Works.
  - If there is a denial, the application will not advance to the Common Council and applicant will be notified.
  - If the application is approved by all reviewing departments and entities, and legislation is passed by the Common Council, the applicant will be notified.
4. Other approvals may be required:
  - In most cases, other permits or city approvals will be required in addition to and/or prior to the Encroachment Permit. Examples include zoning approvals, building permits, curb cut and road cut permits, etc. You will be advised by the Central Permit Office if additional approvals are required.



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## Encroachment Types and Examples

**Overview:** This list of encroachment types and examples provides sample encroachments and the appropriate way to request approval. This list is only a guide. The Commissioner of Public Works will make the final determination as to whether and how each specific request for private use of the public right-of-way will be reviewed.

### Major Encroachment (Permanent/Durable):

#### Surface

- Building additions with floor area
- Retaining wall
- ADA ramp; handrail
- Antenna, light pole, flagpole
- Masonry or cement planters
- Entry features: porch, stairs, landing, vestibule
- Statuary, sculpture, kiosk
- Sign (ground; monument; pylon)

#### Aerial

- Architectural projections >2 feet into right-of-way
  - > Floor space
  - > Marquee
- Fire escape
- Removable awning with ground support

### Minor Encroachment (Temporary/Removable):

#### Surface

- Parking area, driveway expansion
- Walkway (sidewalk, pavers, etc.)

#### Aerial

- Architectural projections <2' into right-of-way
- Wall mounted light fixture or pole

The following improvements may be applied for as Minor Encroachments. Upon review of the proposed installation plans, they may be deemed to be Major Encroachments, requiring additional review:

- Benches (masonry or attached to ground)
- Fence
- Bike racks
- Removable posts or bollards

### Right of Way Uses Reviewed by Different Processes:

- Underground Utilities (apply to City Engineer for Revocable Permission; a linear foot fee is charged annually).
- Sidewalk Café Permit (apply at Central Permit Office; square foot fee is charged per season).
- De Minimis Encroachments (small encroachments typically associated with real estate transactions; attorneys contact Corporation Counsel).
- Public Art (contact City Public Art Coordinator for review by Public Art Commission).
- Street trees (permit from Parks Dept required to add, remove, or prune).



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## Encroachment Permit Application

Address of Proposed Encroachment: \_\_\_\_\_  
(Street address abutting the right-of-way where the improvement is being requested).

Section, Block & Lot Number (if known): \_\_\_\_\_

Property Owner Name: \_\_\_\_\_

Mailing Address (if different): \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant / Owner's Representative: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Type of improvement requested: \_\_\_\_\_

Describe the style and/or materials of the improvement: \_\_\_\_\_  
(Example: a picket fence; a masonry bench)

List the dimensions of the improvement in feet and inches: Horizontal: \_\_\_\_\_ Feet \_\_\_\_\_ Inches

Vertical: \_\_\_\_\_ Feet \_\_\_\_\_ Inches

What is the reason(s) for the improvement? \_\_\_\_\_

Specify any hardship or special circumstances, or public benefit to be gained, if applicable. Attach documentation or a letter of explanation if necessary.

Is this improvement part of a larger project (circle one)? Yes / No

If yes, please identify the project and specify the additional city/county approvals being applied for: \_\_\_\_\_

How far does the feature encroach into the City's right-of-way? \_\_\_\_\_

I (we) certify that I (we) own the private property listed above (i.e., the property abutting the requested improvement).

Signature(s): \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_