



DEPARTMENT OF PUBLIC WORKS  
Stephanie A. Miner, Mayor

## Encroachment Instructions and Application

### TERMS & CONDITIONS

- The public **right-of-way**, as used in this application, refers to 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.
- To “encroach” means to construct, erect or maintain in, over or under any public place, right-of-way, easement, roadway, parking strip and/or sidewalk, including the airspace above them, any structures **permanent in nature** (Major Encroachment; removal is difficult, expensive, or requires special equipment), or **temporary in nature** (Minor Encroachment; can be removed with minimal effort or expense).
- An Encroachment is required to encroach upon any portion of public space, City right-of-way or easement area with permanent or temporary structures.
- Encroachments are **revocable**, i.e. the City can cancel the Encroachment.
- An Encroachment is not an entitlement – not all encroachment requests are approved.
- Only the owner of the adjacent property can apply for an Encroachment.
- Property Owner accepts all liability and responsibility for maintaining the encroaching improvement.
- Property Owner must remove the encroachment at the City’s request. In the event the City removes the encroachment the owner may be charged.
- Property Owner must restore the City's right-of-way to City standards when the improvement is removed.
- Please refer to **Encroachment Types And Examples** on Page 4 for sample encroachments and the appropriate way to request approval. Some types of right-of-way improvements or uses require a different application and review process.
- Multiple improvements in one right-of-way location can be included on one application.

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### ENCROACHMENT APPLICATION REVIEW PROCESS

1. Application is submitted.
  - A. Application (pages 5 and 6) and all required submittals are submitted to the Central Permit Office. If application package is determined complete, it is accepted and circulated for review.
2. Application and plans are reviewed.
  - A. The Commissioner of the Department of Public Works makes the final determination regarding whether the proposed (or existing) improvement in the City right-of-way is a Major Encroachment, a Minor Encroachment, or requires a different type of approval or review process.
  - B. At the discretion of the Commissioner of the Department of Public Works, the City Engineer, the Zoning Administrator or their respective designee, Encroachment Permits may be issued.
  - C. Among the factors that will be considered in the review are the proposed improvement's:
    - I. Adverse impact on public space open to vehicular or pedestrian travel
    - II. Unreasonable interference with the rights of the public
    - III. Benefit to public interest, safety or convenience (e.g., supports or protects the City streets)
    - IV. Proposed structure normally associated with residential use of the property
    - V. Impact on any City Department's responsibility to maintain the public right of way
    - VI. Permitted by right (allowed without need of review by the City) if on the abutting private property
    - VII. If *not* permitted as a matter of right on the abutting private property, if any adverse effect would be created from the improvement
    - VIII. Potential to impair or interfere with any utilities, monuments, or other land survey or geodetic considerations
    - IX. 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
  - A. **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 the Department of Public Works.

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- I. If there is a denial, the application will not advance to the Common Council and applicant will be notified of the denial by a letter from the Department of Public Works.
  - II. If the application is approved by all reviewing departments and entities, and legislation is passed by the Common Council, the applicant will be notified by the Department of Public Works.
- B. **Other approvals** may be required. In most cases, other permits or city approvals will be required in addition 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.

## Encroachment Instructions and Application

### ENCROACHMENT TYPES AND EXAMPLES

*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 public right-of-way will be reviewed.*

#### **Major Encroachment (“Permanent”/Durable)**

##### **Surface**

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

##### **Aerial**

Architectural projections >2' into ROW  
> 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 ROW  
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 and Common Council approval:

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)

# Encroachment Instructions and Application

John M. "Pete" O'Connor III  
Commissioner



Martin E. Davis, L.S.  
Deputy Commissioner

DEPARTMENT OF PUBLIC WORKS  
Stephanie A. Miner, Mayor

## Encroachment Application and documents must be submitted to:

Central Permit Office  
201 East Washington Street, Room 101  
Syracuse, New York 13202, Phone # 315-448-4715  
[CentralPermitOffice@syrgov.net](mailto:CentralPermitOffice@syrgov.net)

## SUBMITTAL REQUIREMENTS

Only complete applications will be accepted for review:

- Pages 5 and 6 of the Encroachment Application completed in full and signed by the owner of the property adjacent to the right-of-way.
- A copy of the stamped survey map\* (**must be to scale**, not reduced) for the private property abutting the street right-of-way in question.
- A 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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## PLEASE FILL IN COMPLETELY

**Address of Proposed Encroachment:**

\_\_\_\_\_ Street address abutting the right-of-way where the improvement is being requested

Section, Block & Lot # (if known)

\_\_\_\_\_

**Property Owner (print name):**

\_\_\_\_\_

Mailing Address (if different):

\_\_\_\_\_

Phone #(s):

\_\_\_\_\_

Email Address:

\_\_\_\_\_

## Encroachment Instructions and Application

**Applicant / Owner's Representative  
(print name):**

\_\_\_\_\_

Mailing Address:

\_\_\_\_\_

Phone #(s):

\_\_\_\_\_

Email Address:

\_\_\_\_\_

**Type of improvement requested:**

\_\_\_\_\_

Describe the style &/or materials of the improvement:

\_\_\_\_\_

Ex: a picket fence; a masonry bench

List the dimensions of the improvement in feet and inches:

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

How far does the improvement encroach into the adjacent Right of Way?

\_\_\_\_\_ ft

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?

\_\_\_\_\_ Yes                                      \_\_\_\_\_ No

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

**SIGNATURE OF THE OWNER**

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

Signature(s):

\_\_\_\_\_

\_\_\_\_\_ Date

\_\_\_\_\_

\_\_\_\_\_